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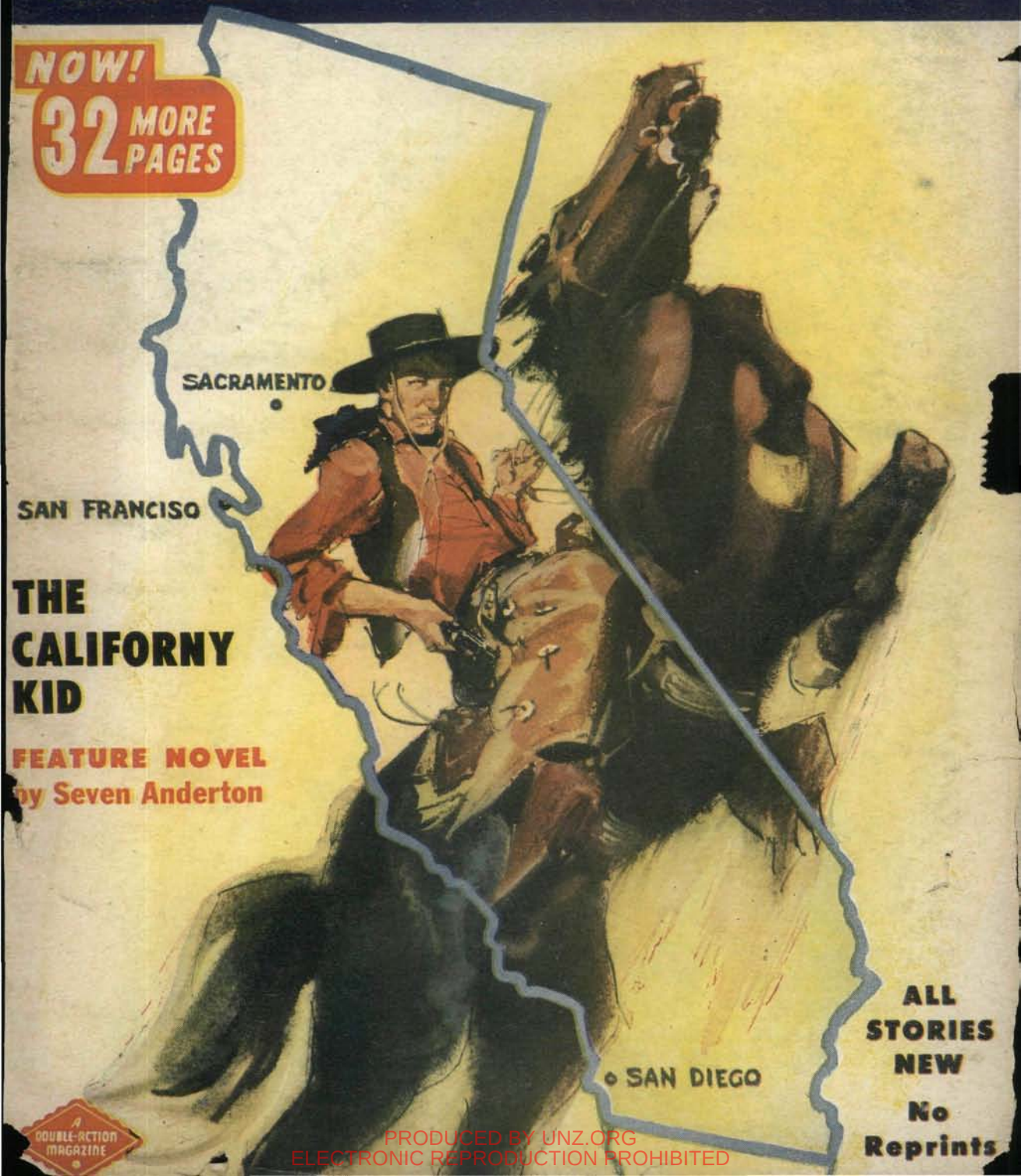

THE CALIFORNY KID

FEATURE NOVEL
by Seven Anderton

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A DOUBLE-ACTION MAGAZINE

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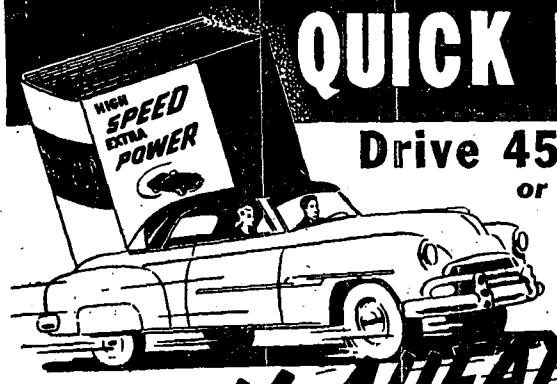

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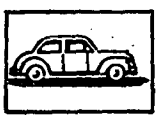

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AFTER

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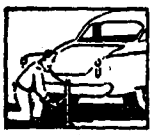

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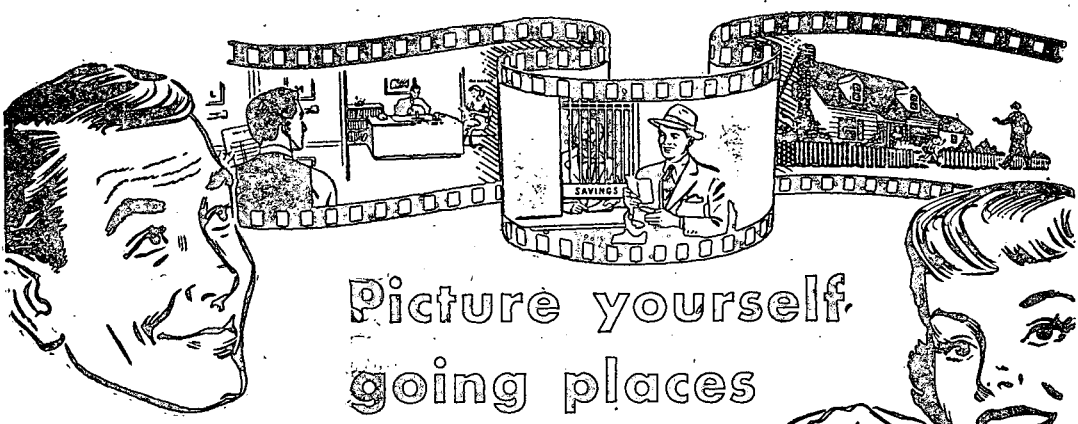

Picture yourself going places

You've done it often. Call it day-dreaming if you like, but you've seen yourself in a bigger job — giving orders and making decisions — driving off in a smart new car — buying your family a fine home.

There's nothing wrong with dreams. But how about making them come true? *You can do it,* if you're willing to try!

Look around you. The men who are going places are the *trained* men. They've learned special skills that bring them better jobs and higher pay. It's the men *without* training whose dreams never come true.

What are you going to do about it? Just wait and wish? If you really *want to succeed,* you can get the training you need by studying at home in your spare time. International Correspondence Schools offer you a course in just about any field you choose, giving you the practical plus the bedrock facts and theory. No skimming or skimping! And you'll be earning while you learn. Students report better jobs and more pay within a few months.

Look over the list of subjects in the coupon below. Pick out the one that interests you most — the one that holds the greatest future for you. Then mark the coupon, and mail it today. *Find out* what I. C. S. can do for you. It costs only a stamp or postcard, but it's the first step if you want to go places!

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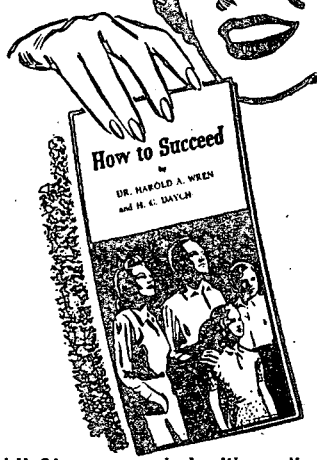
"I noticed that the trained men held the better jobs. That's when I decided to take an I. C. S. course. Enrolling with I. C. S. was one of the smartest things I ever did. The position as Plant Engineer I hold today is largely due to the 'know-how' derived from my I. C. S. texts. I. C. S. can help any man who will study."

L. P. S., Elkhart, Ind.



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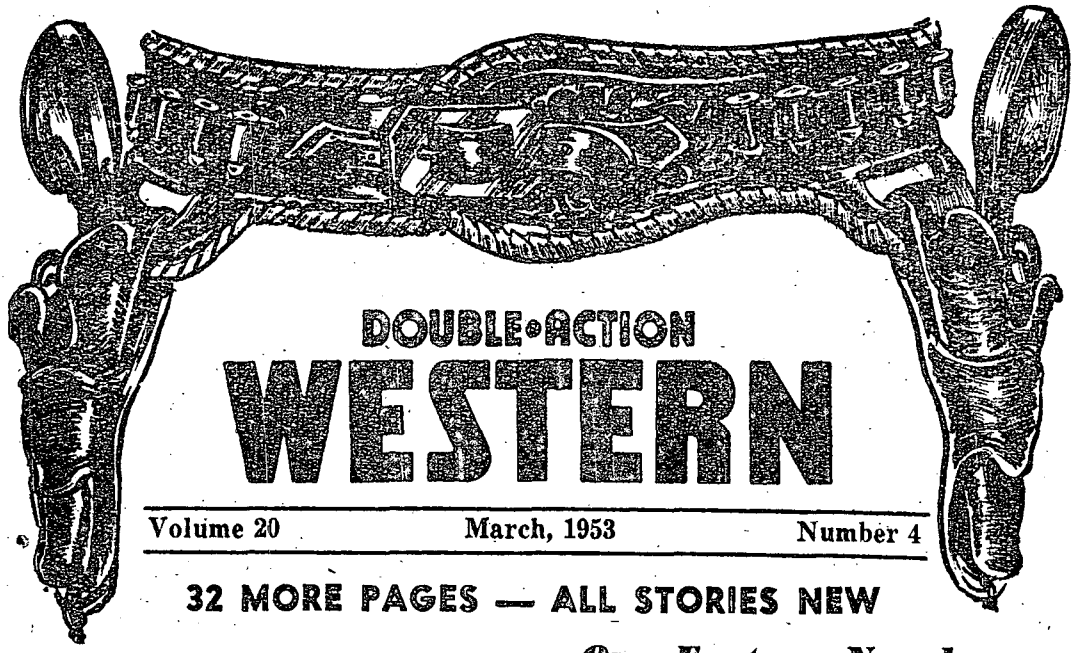

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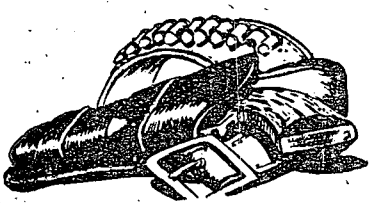
Volume 20 March, 1953 Number 4

32 MORE PAGES — ALL STORIES NEW

Our Feature Novel



THE CALIFORNY KID

by Seven Anderton 10

Up and down the land ran the legend of this Californy Kid, and Leon Carter found that his unearned reputation was an asset rather than a liability in quest for justice.

10 Action-Packed Stories and Features 10

TRAIL AND SADDLE *(Department)* 6
A. Hyatt Verill tells of "The Wild West Show of Buffalo Bill."

INJUN SIGN *(Fact Feature)* ..... **Cliff Campbell** 39

RETURN TO HELL *(Novelet)* ..... **R. S. Lerch** 40
Dermody's private desires didn't jibe with the job of peace-officer!

A HIGH WIND BLOWING ..... **Allan K. Echols** 60
Here is the true, tragic story of the famous Dave Goodnight.

THUNDER RIVER ..... **Lauran Paine** 73
"No Eastern dude is going to squeeze me out after what I've gone through!"

CATTLEMAN'S COURAGE ..... **J. J. Mathews** 85
Youner wanted the cattlemen to buck him; he was spoiling for a fight . . .

BLUE MOUNTAIN GUNSMOKE *(Fact Feature)* ..... **Wade Hamilton** 104

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EMANCIPATION OF CROW DOG ..... **Lon Williams** 110
Gray Badger taunted Crow Dog with being a "squaw man" once too often!

INDIAN GAMBLERS *(Fact Feature)* ..... **Mat Rand** 130

Robert W. Lowndes, Editor

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I WILL TRAIN YOU AT HOME FOR GOOD PAY JOBS IN RADIO-TELEVISION

J. E. SMITH has trained more men for Radio-Television than any other man.

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2 FREE BOOKS SHOW HOW MAIL COUPON

I TRAINED THESE MEN

LOST JOB, NOW HAS OWN SHOP
"Got laid off my machine shop job which I believe was best thing ever happened as I opened a full time Radio Shop. Business is picking up every week."—E. T. Slate, Corsicana, Texas.

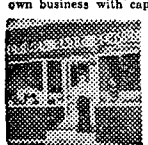
GOOD JOB WITH STATION
"I am Broadcast Engineer at WLPM. Another technician and I have opened a Radio-TV service shop in our spare time. Big TV sales here . . . more work than we can handle."—J. H. Bangley, Suffolk, Va.

$10 TO $15 WEEK SPARE TIME
"Four months after enrolling for NRI course, was able to service Radios . . . averaged $10 to $15 a week spare time. Now have full time Radio and Television business."—William Weyde, Brooklyn, New York.

SWITCHED TO TV SERVICING
"I recenty switched over from studio work and am now holding a position as service technician. I am still with RCA, enjoying my work more and more every day."—N. Ward, Ridgefield, N. J.

WANT YOUR OWN BUSINESS?

Let me show you how you can be your own boss. Many NRI trained men start their own business with capital earned in spare time. Robert Dohmen, New Prague, Minn., whose store is shown at left, says, "Am now tied in with two Television outfits and do warranty work for dealers. Often fall back to NRI textbooks for information."

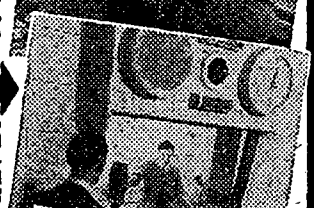


1. EXTRA MONEY IN SPARE TIME

Many students make $5, $10 a week and more EXTRA fixing neighbors' Radios in spare time while learning. The day you enroll I start sending you SPECIAL BOOKLETS that show you how. Tester you build with kits I send helps you make extra money servicing sets, gives practical experience on circuits common to Radio and Television. All equipment is yours to keep.

2. GOOD PAY JOB

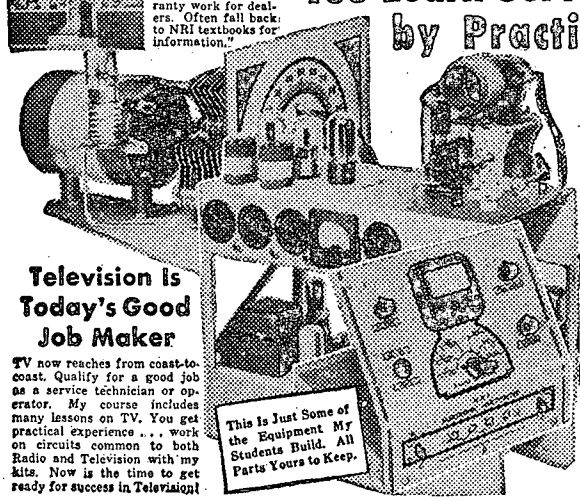
NRI Courses lead to these and many other jobs: Radio and TV service, P.A., Auto Radio, Lab, Factory, and Electronic Controls Technicians, Radio and TV Broadcasting, Police, Ship and Airways Operators and Technicians. Opportunities are increasing. The United States has over 105 million Radios—over 2,900 Broadcasting Stations—more expansion is on the way.



3. BRIGHT FUTURE

Think of the opportunities in Television. Over 15,000,000 TV sets are now in use; 108 TV stations are operating and 1800 new TV stations have been authorized . . . many of them expected to be in operation in 1953. This means more jobs—good pay jobs with bright futures. More operators, installation service technicians will be needed. Now is the time to get ready for a successful future in TV! Find out what Radio and TV offer you.

You Learn Servicing or Communications by Practicing With Kits I Send



This Is Just Some of the Equipment My Students Build. All Parts Yours to Keep.

Keep your job while training at home. Hundreds I've trained are successful RADIO-TELEVISION Technicians. Most had no previous experience; many no more than grammar school education. Learn Radio-Television principles from illustrated lessons. You also get PRACTICAL EXPERIENCE. Pictured at left, are just a few of the pieces of equipment you build with kits of parts I send. You experiment with, learn circuits common to Radio and Television.

Mail Coupon—find out what RADIO-TELEVISION Can Do for You

Act Now! Send for my FREE DOUBLE OFFER. Coupon entitles you to actual Servicing Lesson; shows how you learn at home. You'll also receive my 64-page book, "How to Be a Success in Radio-Television." Send coupon in envelope or paste on postal. J. E. SMITH, Pres., Dept. 3CT National Radio Institute, Washington 9, D. C. Our 39th Year.

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TV now reaches from coast-to-coast. Qualify for a good job as a service technician or operator. My course includes many lessons on TV. You get practical experience . . . work on circuits common to both Radio and Television with my kits. Now is the time to get ready for success in Television!

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Trail and Saddle

A DEPARTMENT of TRUE STORIES

The Wild West Show Of BUFFALO BILL

By A. Hyatt Verrill

WHEN COLONEL Cody started his original Wild West Show he was in partnership with Dr. William Carver, the famous rifle shot. Carver, whose parents had been killed in an Indian raid, had been taken captive and reared by the Sioux. With the signing of the peace treaty, he had been taken from the Indians and had been adopted by a dentist who taught the young man his trade. He had married a New Haven, Connecticut, woman and lived only a couple of blocks from my home. His son, Billy, and I were great chums. His father would entertain us by the hour with stories of his life among the Sioux.

He was a most picturesque figure; over six feet tall and heavily built. He was a fine looking man with yellow hair falling to his shoulders and with a sweeping blonde mustache. He invariably wore a broad-brimmed, low-crowned sombrero and a heavily-beaded vest; when the show was in town he donned a suit of fringed buckskin and knee-high boots. He always rode a striking bay-and-white pinto with ornate silver-decorated saddle and bridle and long saddle-bag flaps of jaguar skin, dashing at a full gallop through the city streets between his office and his home.

Of course, Billy and I had the run of the show when it was in town and we became very friendly with Buffalo Bill Cody. At that time, many famous Indian warriors and chiefs were with the show. Among them was Shot-in-the-Eye, Gray Wolf, Gall, Spotted Tail, Crazy Horse, Yellow Elk, Tall Man and others, all living with their families in their tepees in the field on the outskirts of the city; there were the scouts, cowboys and other members of the Wild West Show.

In those days, the cow punchers and plainsmen bore little resemblance to those of today. All wore their hair hanging to their shoulders; all wore flat-brimmed, low-crowned sombreros; and the majority wore fringed buckskin coats with vests of beaded buckskin or "pinto" calfskin.

Although some wore buckskin pants, most of them preferred corduroys tucked into high, soft leather-topped boots; and when mounted, they wore chaps that were seatless leather pants with fringe down the seams. Yet, the artists who illustrate western stories laid in the sixties and seventies, draw

[*Turn To Page* 8]

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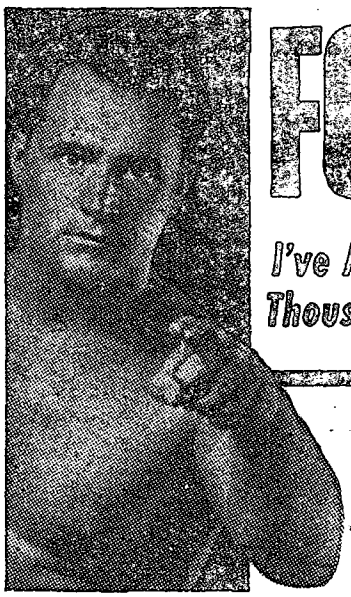
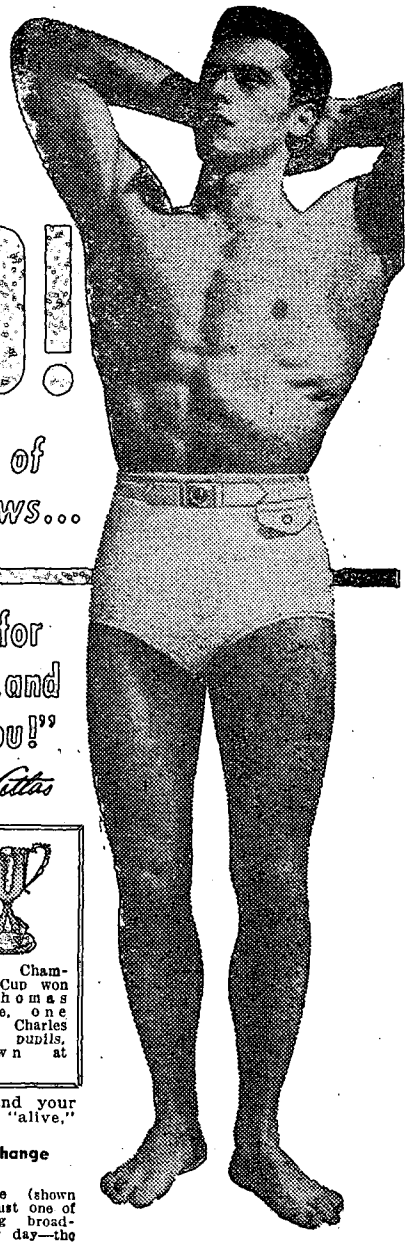


I've Made New Men Out of Thousands of Other Fellows...



"Here's what I did for THOMAS MANFRE...and what I can do for you!"

—Charles Atlas

GIVE me a skinny, pepless, second-rate body—and I'll cram it so full of handsome, bulging new muscle that your friends will grow bug-eyed!... I'll wake up that sleeping energy of yours and make it hum like a high-powered motor! Man, you'll **feel** and **look** different! You'll begin to **LIVE!**

Let Me Make YOU a NEW MAN— IN JUST 15 MINUTES A DAY

YOU wouldn't believe it, but I myself used to be a 97-lb. weakling. Fellows called me "Skinny." Girls snickered and made fun of me behind my back.

ARE YOU
Skinny and run down?
Always tired?
Nervous?
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WHAT TO DO ABOUT IT
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THEN I discovered my marvelous new muscle-building system — **"Dynamic Tension."** And it turned me into such a **complete** specimen of MANHOOD that today I hold the title "THE WORLD'S MOST PERFECTLY DEVELOPED MAN."

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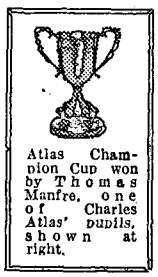
When you look in the mirror and see a healthy, husky, strapping fellow smiling back at you —then you'll realize how fast **"Dynamic Tension"** GETS RESULTS!

"Dynamic Tension" is the easy, NATURAL *method* you can practice in the privacy of your *own room*—JUST 15 MINUTES EACH DAY—while your scrawny chest and shoulder muscles begin to swell,... those spindly arms and legs of yours bulge...and your whole body starts to feel "alive," full of zip and go!



Atlas Champion Cup won by Thomas Manfre, one of Charles Atlas' pupils, shown at right.

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punchers with high-crowned Stetsons, short hair, fancy shirts, levis and fancy-stitched, high-heeled boots mounted on saddles with steel horns and bucking rolls, and wearing bat-wing chaps, although none of these were in use until well into the eighties.

Invariably, Dr. Carver "stole" the show, for he was probably the most expert rifle shot who ever lived. One of his stunts was to throw a brick into the air, break it with a shot from his rifle and smash three of the fragments before they fell to the ground. It was his skill with the rifle that aroused Cody's jealousy, for he was a poor shot. The result was that the partnership was dissolved; Buffalo Bill taking over the show while Carver went on tour giving exhibitions of markmanship. On one occasion, he made a heavy wager that he could score six thousand hits, on objects thrown into the air, in the space of six days. The stunt took place in the old skating-rinks on Chapel Street in New Haven; Billy and I helped cool, clean and reload the six rifles Carver used. At first, lumps of coal were thrown into the air; but the fine dust, as the bullets smashed them was unbearable—so small blocks of wood about two inches square were substituted. He won the wager easily, often making two (and sometimes three) hits on a block and finishing the score nearly twelve hours before his time expired.

It was his phenomenal skill with a rifle that so impressed me, that I determined to become an expert myself. I never even approached Carver in rifle-shooting; but with his help, I did become sufficiently expert to break a brick, and one of its fragments; to hit a quarter, or even a dime in the air—while my greatest feat was to snap a .22 cartridge into the air and explode it with a shot from my rifle.

Little did I dream, when with Billy Carver I met Colonel Cody and the Indians, scouts and punchers of the Wild West Show, that years later I would take a part in the show myself.

At that time one of the students at Yale—where my father was a professor—was a plump-face Sioux Indian with an ochreous skin and a perpetual grin. His English name was John Rogers but he was always known as Johnny-Punkin-Face. Although ordinarily a thoroughly-civilized Indian wearing coventional clothes, whenever Buffalo Bill's Wild West came to town Johnny would temporarily go native, and for the duration of the show would don buckskin, paint and feathers and join his fellow tribesmen.

On one occasion when the Wild West was scheduled to arrive, Johnny suggested that I should join him and play Indian. Naturally I jumped at the chance and I had the time of my life. Johnny introduced me to his Indian friends and relatives, among them an enormously fat, jolly squaw who constantly was surrounded by a bevy of children ranging from papooses on cradle-boards, to boys and girls six to eight years old. They were not all hers by any means; but she loved children and attracted them like a magnet, and she had been appropriately nicknamed Too-Many-Toes.

JOHNNY found an Indian costume that was a good fit and with Annie Oakley helping with my make-up and Johnny Baker offering advice, I became transformed into a very realistic looking young Sioux. In fact, I was such a genuine appearing Indian that I completely fooled the cowboys, scouts and others. From that time on, whenever the Wild West Show came to town, I temporarily joined the show. To be sure I soon left off posing as an Indian and joined Vicente Oropeza's Rurales; but I had acquired a vast amount of Indian lore, learned to speak Sioux after a fashion, mastered the Indian sign language and made many lifetime Indian friends—among them a young Oglala Sioux named White Eagle. He was an exceedingly smart, intelligent youth; he spoke fourteen Indian dialects—in addition to Spanish, English, French and some

[*Turn To Page* 126]

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Reducing Specialist Says:

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ELECTRIC Spot Reducer

Spot Reducer

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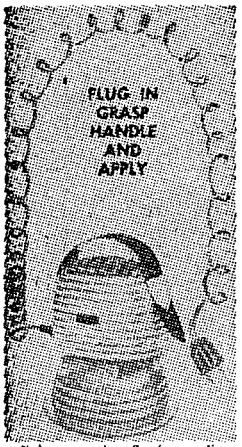

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TAKE OFF EXCESS WEIGHT!

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When you use the Spot Reducer, it's almost like having your own private masseur at home. It's fun reducing this way! It not only helps you reduce and keep slim—but also aids in the relief of those types of aches and pains—and tired nerves that can be helped by massage! The Spot Reducer is handsomely made of light weight aluminum and rubber and truly a beautiful invention you will be thankful you own. AC 110 volts. Underwriters Laboratory approved.

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Mail this coupon with only $1 for your Spot Reducer on approval. Pay postman $8.95 plus delivery—or send $9.95 (full price) and we ship postage prepaid. Use it for ten days in your own home. Then if not delighted return Spot Reducer for full purchase price refund. Don't delay! You have nothing to lose—except ugly, embarrassing, undesirable pounds of FAT. MAIL COUPON now!

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☐ I enclose $12.98. Send DeLuxe Model.

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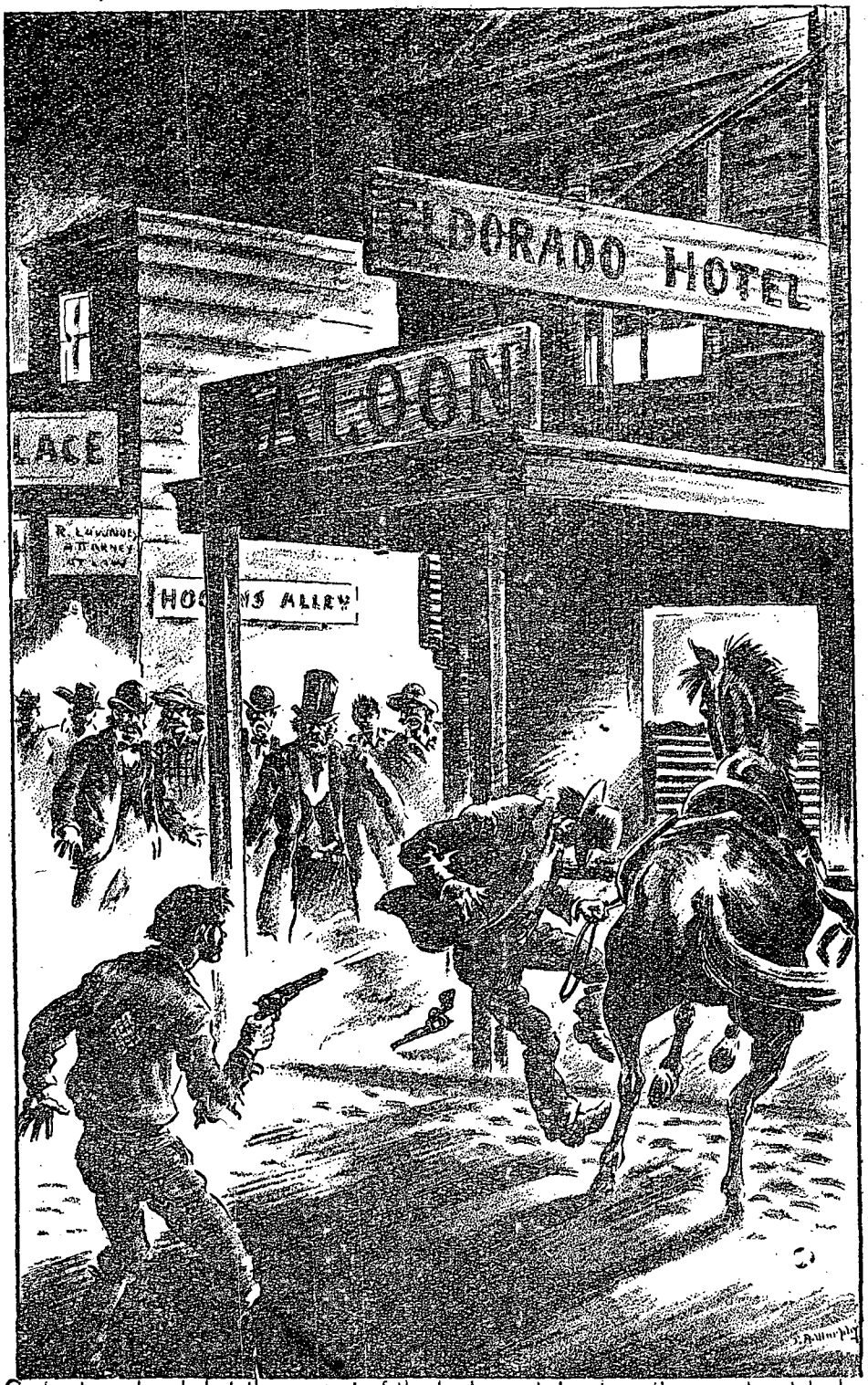

Carter turned and shot the gun out of the burly man's hand, as the crowd watched, anxiously . . .

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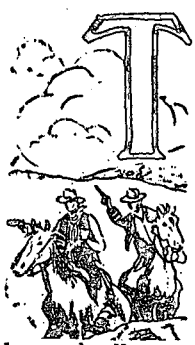
Feature Novel Of '49

THE CALIFORNY KID

By SEVEN ANDERTON

She saw this maverick who'd been dubbed the notorious Californy Kid as the leader of her oppressed people. But Leon Carter sought justice more than revenge, and justice through law . . .



THE IRON gray horse was a magnificent animal. His rider was slender—the tough, supple slenderness of a rawhide whip—and not of more than average height. His garments were near rags, his soft leather boots badly worn. His lean face leather-browned, placed him in his mid-twenties until looked at more closely; then it became apparent that the smooth skin had never felt a razor. His name was Leon Carter and his nineteenth birthday had passed by only weeks ago. First glance placed him as Spanish, but the eyes under straight brows were bright blue, and there were bronze tints in the dark hair that hung below his frayed collar. He wore no side-arm, but a musket was lashed to his well-made but shabby saddle.

It was a bright forenoon in May of 1849 when horse and rider, following a small stream out of one of California's inland valleys, reached the coast and a fairly well-broken trail that led along it.

"Soon, Diabolo," Carter said to his horse, "we will see people again."

The horse flicked his ears at the sound of his master's voice and turned southward at the light pressure of a knee. The youngster rode with the easy grace of the saddle born. The reins were seldom taut; this horse and rider had been long together.

Despite the prediction, two hours of travel at an easy canter passed, during which neither human being nor habitation was seen. Then the trail crossed another small stream at a ford and there the rider saw a large poster fastened to a tree. He pulled Diabolo close and read. In both Spanish and English, the poster announced a reward of $2,500 for the capture of Leon Carter, alias the Californy Kid.

Carter swore a Spanish oath softly and continued to read. The poster de-

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scribed the Californy Kid as about eighteen, small and of chubby build; except for the chubbiness, the description was fairly accurate. There was no picture, because no picture had ever been taken. Leon Carter's mouth took on a bitter twist as he read the list of crimes for which he was wanted. It was stated that, during the past year, the Californy Kid had robbed dozens of wagon-trains along the trail through Utah and Nevada, and that he had murdered at least six of his victims. He was described as operating alone, and by stealth—slipping into the camps during the night. He was said to make his escapes into the desert astride a swift black horse.

For several minutes after he had finished reading, the Californy Kid sat silent and motionless. His lean smooth face had become grim and the expression in his blue eyes somber. Finally he spoke to the horse, this time in Spanish.

"We are a very evil pair, Diabolo," the Kid said. "And you are a black beast—as black as my heart. That is well; it is also well that I am no longer fat as I was when we rode into the desert last year. But I must change my name to Juan Avarado; I wish I could change this ragged shirt as easily."

Across the ford, and riding on southward, the Kid again spoke to his mount. "It is strange that we meet no one on such a good trail, Diabolo. And I would be happy to find a place where I could spend some of our musty gold—that we might eat well. Also a buscadero who had robbed so many wagon trains should dress more handsomely; and this gun you have carried so far would serve better if there were powder to put in it."

IT WAS ANOTHER hour, and they had met no other travelers, when the trail bent around a knoll; horse and rider beheld a large log building among a cluster of trees. Smoke was rising from a stone chimney and a sign across the front of the building read, *Bowman's Inn.* A pen behind the place held perhaps fifty hens. An old man sat in a rough chair on the wide porch with a hand-whittled wooden leg thrust straight before him.

"Howdy, pilgrim," the old man said, rising as the Kid pulled Diabolo to a halt, "Ride ahead of your train?"

The Kid shook his head. "No. I have come out of the mountains, and my horse and I are both hungry. Here we can eat?" He had dismounted nimbly while speaking.

"Sich as we got, stranger," the old man replied, "and it'll cost like hell. Got a few oats yet fer your hoss. Dollar a gallon. Got some aigs—fresh-laid, 'er they wouldn't be here. Dollar apiece. Got a couple of gallons of milk. Dollar a pint. That's all but a lot of bread the old woman just baked. Dollar a loaf."

The Kid looked puzzled. "This food, why does it cost so much?"

"Because I kin git it," the old man replied frankly. "First train that gits here every evenin' cleans me plum out, until the hens lay some more and the cow gits ready to juice."

"And why is this?" the Kid asked, still puzzled.

"Danged folks had gone plumb crazy," the old man replied. "Buy everythin' they see; I'm thinkin' of rasin' my prices. My store has bin bare as Old Mother Hubbard's cupboard fer more'n a month. I order stuff, and the wagon meets a train on the way up and they buy him out on the spot. Danged folks so crazy to have enough to eat when they git to the gold, that they—"

The Kid had stepped onto the porch. "What is this about gold?" he interrupted.

The old man stared at him. "Hell, younker," he exclaimed. "Mean you ain't heered 'bout the big strike at Sutter's mill?"

The Kid shook his head. "Gold has been found there?"

"All over the danged place; richer'n goat-milk. Found her last year. Now

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half the folks in the world is down there scoopin' her up; be there myself, wasn't fer this lumber laig. But my boy's down there gittin' our share." He grinned. "And me and the old woman ain't doin' too bad here—only I have to stay up nights with the scattergun to guard the chickens and cow, until them as camps here nights drive on. You musta bin lost up in the mountains a long time, young feller."

"More than a year," the Kid told him. "You are the first person I've seen since early last spring. But now, if you will give my horse a gallon of your oats first, I will eat six of your eggs, and a loaf of your bread; and drink a quart of your milk."

Half an hour later, in the large dining room of the inn, the Kid finished his repast, rose and produced a twenty-dollar gold-piece to pay his bill.

The old man chuckled as he made change in silver dollars. "Now," he said, "I s'pose you'll light out fer the diggins. Better move your hoss right along, seein' as the half of the folks in the world that ain't already there'll be close behind you. Six trains from Oregon camped on the flat jist south of here last night. May be more'n that tonight."

"I have gold," the Kid replied, "and I am headed for San Francisco; how far is it from here?"

"Bout eighty mile," was the reply. "Two-day ride. I ain't bin down since the strike, but they say she's a whoppin' city now, and as gold crazy as the diggins. You'll need plenty of gold there, young feller. Must have a gal there, only thing I kin think of that could keep a spry younker away from the diggins."

The Kid smiled. "I have no girl," he said, "but I have people and—business there. I will buy some clothes, if you have—"

"Nary a rag," the old man cut him off. "Can't keep nothin'. They say clothes is even hard to git in San Francisco—and cost like hell."

The Kid nodded at another of the reward posters on the wall beside the door. "That Californy Kid could probably get something to wear," he observed.

"Prob'ly," the old man agreed. "They say he's a plum hell-bender and pizen mean, even if he ain't dry behind the ears yet. If you carry much gold you better be shy about any fat kid you meet on a black hoss."

"I will," the Kid promised. "Why don't he go dig his own gold if there's so much of it?"

"Damfino," the old man replied.

IN MIDAFTERNOON of the second day, the Kid rode Diabolo off a ferry and into the sprawling, roaring mushroom city of San Francisco. He was still clad in his near-rags, but hundreds of others were no better arrayed. It took him two hours to find a small, shabby shed near the waterfront that would shelter both Diabolo and himself. He paid thirty dollars for a week's rental, and another ten dollars for horse fodder.

"I ain't responsible if your horse gets stole when you're gone," the owner of the shed warned.

The Kid smiled. "Just don't try to go in there. Diabolo will stay where I leave him, and kill any man who tries to take him."

Dusk was falling when the Kid prepared to leave the shed. He took a heavy leather pouch from a saddlebag, extracted and pocketed five double eagles, and then buried the pouch in litter beneath the small manger. He patted the neck of the horse now loose in the shed and said in Spanish, "Stay here Diabolo."

Then the Californy Kid went out into the town to ask a question. He asked it first at a restaurant, where he ate a two-dollar meal he kept asking it for six days from store to store, and in saloons and other of the roaring gold went fast, despite the fact that he dives far into the nights. His search remained vain. Nobody knew—or knew anything about—a man named Carlos Padua or his wife, Maria. The Kid's

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was still wearing his rags. He had his hair cut. In all parts of the city, he came upon the reward-poster, but apparently nobody suspected that this lean and shabby youngster with the experience-aged face, and sharp blue eyes might be the notorious Californy Kid. On the rare occasions when asked, he gave his name as Juan Alvarado.

Shortly before midnight of the sixth day, the Californy Kid asked his question for the final time. He asked it of a busy bartender in a dive called the *Golconda*—without buying a drink. The bartender growled the usual negative answer shortly and moved away to wait on a customer. The *Golconda* was the usual dive of the time and place—saloon, dance floor and gambling tables. A poorly-tuned piano. Women of various ages mingled with the roistering crowd while they plied their trade, or otherwise separated fools from their money.

As the bartender moved away, a small hand was laid upon the Kid's arm and a soft but clear and pleasant voice said in Spanish, "Your pardon senor."

Frowning, the Kid half turned to face the speaker. Then the frown vanished and he stood staring dumbly at the small girl. The figure was most certainly dancehall material of the double-plus variety—and very little of it was hidden by the scanty and flimsy green costume. But, nevertheless, the face brought the eyes back from the other charms. It was after the first glance, something more than beautiful; there was character behind the beauty, and it was the fresh clean beauty of healthy youth—independent of cosmetics. The soft dark hair was done high on the proudly carried head and held by tall white combs. The eyes were large and so dark brown as to be almost black. Full firm breasts thrust out and up. The Kid stood dazed.

"Why do you seek the Senora Maria Padua, senor?" the girl asked, flashing a warm smile.

"She is my aunt," the Kid replied, matching her Spanish.

The girl's eyes narrowed slightly and the smile left them while remaining upon her lips.

"Do you know where I may find her?" the Kid added.

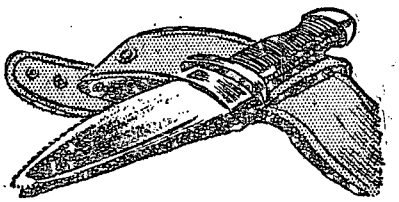
She regarded him for a moment gravely, then said. "I think, senor, that you have never seen your aunt, no?"

"That is true, senorita," he replied, "but how—"

"And your mother is Isobel," she cut in and he nodded. "Then I know your name, senor," she added in a low tone as she moved nearer. "I will not speak it here, but you will wait until I dress decently. I will not be long; you will be here?"

"I will be here," the Kid promised.

SHE DARTED away through the noisy crowd. The Kid moved a little more away from the bar and stood thinking fast. It was evident that the girl did know his name—and one of the reward posters was on the wall beside the door of this dive. Perhaps he was a fool for remaining as she had asked, but he knew he was going to wait. He wondered why such a girl was in such a place in such a costume. *She is a girl of quality,* he told himself, *in spite of what appearances say.* A girl who could be trusted—he would bet his life on that. The thought brought a twist to the Kid's lips. He *was* betting his life on that.



The girl returned in less than ten minutes, but the Kid did not recognize her until she stood before him; then amazement again shackled his tongue. The transformation was unbelievable. Now she wore a very simple, ankle-length dress of a rough brown material. The tall combs were gone and her hair was twisted into a simple knot on the nape of her slender neck. But it

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was not the apparel, or the lack of it, which worked the major part of the miracle at which the Kid gazed.

The change was in the girl. It was too subtle for the Kid to classify, but it stunned. On the small, piquant face the character had moved out in front of the beauty, removing the dazzle. A keen intelligence now looked out through the dark windows of her eyes; the invitation was gone. Her demeanor was now modest, without being shy. The quick little smile she gave him was demure. Realization that he stood in the presence of one of the world's most remarkable women stirred in the Kid. Again she laid a small firm hand on his arm.

"Come, senor," she said softly. "I will take you to my home. It is not far and it is not grand, but it is private—and we have much to say to each other, I think."

Still speechless, the Kid opened their way to the exit. Even at that hour, the street was alive with boisterous men moving from one dive to another. They spoke but little during the short walk.

§ 2 §

HER HOME was a small room above a store in one of the new street's few two-story buildings. It was simply furnished, but the girl had given it character. When she had closed the door behind them, she faced the Kid.

She said, "My house is honored, Senor Carter; I have waited long for a man of our blood to appear to avenge our people, but I had not even hoped that *Los Dios* would send one who has already begun the task, and made his name feared by the gringo pigs who call him the Californy Kid. *Los Dios* is good."

"But, senorita—" the Kid began.

"But you do not know me," she cut him off, "and I am a woman. That I must endure, although I wish many times it were otherwise. I am Senorita Paloma Antonia Diego del Salinas y San Paulo. You have found me in an evil place, singing and dancing for the pleasure of pigs, and a dribble of their filthy gold. But in that manner I have learned much of their iniquity; I have stored much in my memory and I will learn more that will help. There are many to be killed, senor, and many—"

"Please, senorita," he stopped her, "it is not my wish to kill anyone, and—"

"No Cabellero wishes to kill, senor," she took him up, "but when justice and the honor of his people are concerned, he must do so. I am ready, and there are many men who are ready, to aid you in this mission upon which you have come."

"And upon what mission do you think I am here, senorita?" The Kid's blue eyes regarded her steadily.

"To avenge your mother's people and to aid your aunt in distress," she replied. "Yes?"

The Kid shook his head slowly. "There is much misunderstanding, senorita. It seems there is truly much of which we must speak; may we sit down?"

"Forgive me, senor," she cried. "Take the chair; I will sit on the bed."

"You speak of my aunt's distress," the Kid said when they were seated. "Tell me of that."

She looked surprised. "You do not know?"

"Later I will explain," the Kid said, "but of what has happened in California during the past two years I know what I have learned during the past week—and that is little. What of my Aunt Maria's distress."

"Senora Maria Padua, daughter of the house of Zamorano, now washes the dishes in a gringo restaurant on Market Street," the girl told him. "She is poor, senor, and growing old. When I was a muchacha she was most kind to me. Now I bestow upon her

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what kindness I can—but it is not enough. I—"

"What of her husband?" the Kid cut in.

"Carlos Padua is dead, senor—in this manner. With the conquest of our beautiful California by the gringos, the Padua estates were confiscated. Don Carlos then hurried to the discovery area. Being early, he staked one of the best claims—which was very rich. But that, too, was taken from him—when he was banished on false evidence before a miners' court. When he tried to get justice, he was shot by some one of the Dillon band which had taken his claim. Nothing was done about it. Don Carlos was a 'greaser'—that is what those of our blood are now called by the gringo pigs who—"

THE KID smiled thinly as he interrupted. "I am half 'gringo', senorita." He had spoken to her for the first time in English—as though to give weight to his statement.

She replied in English as good as his own. "You are the son of Isobel of the Zamoranos. Your anut has told me that your father was one of those wanderers of the world who are born to live and die with no country but the world. If you are as you say, why have you come seeking your mother's people?"

"It was my father's wish upon his death, senorita," the Kid returned to Spanish, "but of that we may speak later. Do the others of my mother's people not aid my Aunt Maria?"

"Senor, the Zamorano blood now flows only in the veins of yourself and the Senora Maria. Some died fighting; the rest have been murdered. The Zamorano estates and wealth have been stolen. You and your aunt survive. The story of the Paduas and Zamoranos is the story of all of our people since the invaders rule and the gold has turned them into even greater beasts. It was my hope that you, Senor Leon Carter, who have become the feared Californy Kid, arrived to right the wrongs done your people and erase their dishonor with blood. There are yet many with that desire in their hearts who will follow and aid you. Of those I am one."

"It may be, senorita, that what you say interests me for a different reason than you think," the Kid said. "So, in few words, I must tell you the truth. Ask for no details now; those you may learn later—or perhaps there may be no need. *Quien sabe?* On the posters which offer the reward for my capture only my name is truth; I was first called the Californy Kid in scorn. How I became a buscadero and killer under that name I do not know—but I become aware that I must learn—if I am to live. This is the truth, senorita. I have never killed anybody; I have not robbed anybody. I have come to San Francisco to find my mother's people, that they might help me to be rid of a reputation which is woven entirely of lies."

She nodded understandingly. "And that is impossible."

"It is also impossible to verify the truth I might tell by any others," he said, "because more than a year ago I rode into the mountains and desert on my horse, Diabolo, and thereafter saw no other person until a week since. When I fled, I was the fat boy of seventeen described in the posters. I was also frightened because I had taken back part of that which was mine, while my knife-point was pressed to the throat of a man named Simon Hale who—"

"Simon Hale," Paloma Diego cried sharply.

"You know him?" the Kid asked.

"I know him, senor. And I know nothing good. Simon Hale is one of the evil Dillon band at the gold-fields; it was he who gave part of the false testimony that caused the banishment and later death of Don Carlos Padua. He is now gathering gold that rightfully belongs to your Aunt Maria. Your knife should have killed him, senor, for that remains yet to be done."

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WHILE SHE spoke a grim expression had come to the Kid's face. "Perhaps that is true, senorita," he said, "but I would first have the truth concerning me spoken to others by Simon Hale. I am decided to remain—or to become—the California Kid of the posters until I have met Simon Hale. He can be found at Sutter's Fort?"

"At the fields, yes."

"Then I will go there, after I have seen my aunt. You will tell me where to find her?"

"I will take you to her, senor. But she is not young and she must work hard; it is better that she sleep until dawn."

"I have the gold that was my father's—and my mother's, senorita." the Kid said, "and Simon Hale owes me more. Also, if he has gold that should be my aunt's, she shall have that. She will not labor again."

She gave him a warm smile. "Zamorano blood speaks, senor. No? And I hear with joy—for it tells me he is here who will lead those of our blood who have long awaited him."

"I have not said that, senorita."

"But you have said—"

"I have said." he cut her off, "that my aunt shall be cared for as was my mother." A change that had been slowly taking place in the Kid as they talked was suddenly complete. The girl watched it with parted lips and shining eyes. "And I have said, senorita, that a man will deal with Simon Hale for what he did to a frightened boy; more than that I shall not say now. You will take me to my aunt? There is no mor time to waste—and dawn must be near."

She nodded but did not rise. "I think you will wish to meet your aunt alone," she said, "and I must tell you this, because I leave on the stage for the gold-fields in two hours. I will be found at the new *Golconda* there when you arrive. Promise that you will come there and talk with me again before you do any other thing. I am not mistaken in the man with whom I have talked tonight—and believe me, senor, Paloma Diego can be of much help."

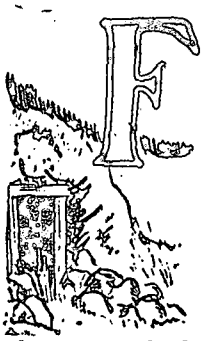
He rose and regarded her for a moment in silence, then said, "I will come to you, senorita. And now—"

"The Senora Maria Padua," she anticipated him, "occupies a small room at the rear of this building. It is the last door down the corridor. *Vaya con Dios, Muchacho del California.*"

The Kid turned at the door and smiled back at her. *"Hasta la vista, senorita."*

When the door had closed behind him, she sat silent for a long moment, then struck her knee with a small fist. "That is the man," she told herself softly. A moment later she was packing her few personal belongings.

3



FOR MONTHS, a bitter winter with heavy snowfall, had kept the diggings closed. They had been reopened for a few weeks when the California Kid arrived at New Helvitia—then the hell-roaring center of what passed for social life in the district. The vanguard of the Forty-niners was pouring in from Oregon and the east—on horseback, and in any sort of vehicle that would roll; others streamed up from San Francisco where more ships were expected daily.

The Kid still wore his shabby garments, since the clothing famine was still on. It was said that several shiploads of ready-made clothing and bolt goods were soon to arrive, and more was coming via freight wagons. Meanwhile, hundreds of men were in rags, while others dug and washed gold in what had been their Sunday suits in the homes they had left. The only

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addition to the Kid's wardrobe was a finely-wrought Spanish dueling-pistol slung in its new holster on his right thigh. The outfit had cost him twenty dollars and his musket.

It was past four o'clock in the afternoon when the Kid rode into the town. Most of the miners were still at their diggings, but the gamblers and other parasites—male and female—who preyed upon them were busily making ready for the harvest that would come with sundown. A scattering of dust-laden miners were already in town—eager for the fleshpots.

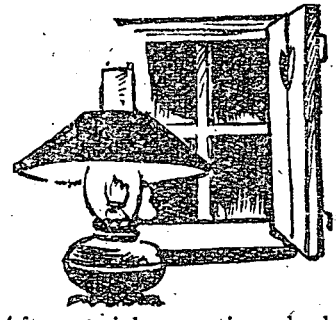
Much of the fast expanding New Helvitia was canvas, but many buildings were constructed of logs or rough whip-sawed lumber. On the rutted main street, the Kid saw a sign across the front of a wooden building which read:

THE DILLON COMPANY
Garth Dillon, President

The Kid frowned at the sign and rode on towards a huge and raw new building at the eastern end of the street. This, according to its flamboyant sign was the *New Golconda* where Paloma Diego had said the Kid would find her. Along the street many admiring and envious glances were cast at Diabolo, but little attention was paid to his shabby rider. Nevertheless, the Kid was wary and sharply-alert for any sign of recognition; there should still be many here who had known him well when as a sixteen-year-old he had clerked in John Sutter's store. He hoped against meeting Sutter who, he thought, would surely remember him. The Kid did not fully realize how great a change had been wrought in his appearance by the long year in which he had won his living from desert and rugged mountain country, with only his hands and a bowie-knife—after powder for his musket had run out.

There was a hitching-rack before the *Golconda* and the Kid rode Diabolo up to it among a dozen other animals, but did not tie him. He simply said, "Stay here, Diabolo," and left to enter the big building.

Inside the huge place, several gambling tables were operating and perhaps a dozen men were at the long bar, being served by a lone bartender. Only two women were to be seen, and neither was Paloma Diego. Two Chinese were tidying up here and there, in preparation for the rush of business to come.



After quick scrutiny had assured him that none who had known him were present, the Kid moved up to where a dozen men were bunched around a faro table. He watched a deal finished and the box reshuffled. The Kid had a sharp mind; he had been schooled by his high-born Spanish mother, and a father who was considered learned, because he had learned to read, write and cipher before setting out from his native New England to explore the world. Now he stood casing the new deal as it was run off. His nimble mind and retentive memory cased by suit and card while he fingered the eight golden double eagles in the pocket of his ragged trousers. When the deal was all but out, he edged between two other players and placed four of the coins on the Jack of Spades marker. The wooden-faced dealer flicked him a glance from bloodshot eyes and dealt the Jack of Spades.

Some of the other players cursed as their bets were swept away. The Kid, his pocket three times heavier, stepped back to watch the new deal that would come up. The dealer glanced up at the lookout as he shuffled the deck. Then, as the door opened from the street, the

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sounds of a commotion came into the place, among them the snort and angry squeal of a horse. The Kid recognized Diabolo's whinny and was on the plank sidewalk in a dozen strides.

BACKED out into the street, Diabolo was fighting off with feet and teeth a half-dozen men led by a burly, bearded miner who was trying to get a hand on the bridle-bit. More than a score had gathered to watch the battle from the sidewalk.

"Let my horse alone, mister," the Kid called sharply, "or he will kill you."

The man had just leaped back from a savage snap of Diabolo's teeth. The others had given his hoofs respectful distance.

"I'll kill him first," the burly man snarled and started to draw one of the two pistols he wore about his thick waist.

The Kid's pistol was in his hand as he leaped into the street. "If you harm my horse, mister," he said, "you will surely die."

Pistol half drawn, the burly one spun to face the Kid. His face was flushed both from drink and his efforts to capture Diabolo. The Kid had spoken almost softly, but there was something deadly in his balls-of-the-feet stance, the poise of his head and the steadiness of his pistol trained on the other's middle.

The burly man's hand dropped away from his pistol. Hate burned in his eyes as he said, "Hell of a note when a damned greaser can leave a hoss in the street, and then pull a gun on anybody that tries to catch him. That brute is a damned killer."

"My horse," the Kid replied quietly, "will bother nobody who leaves him alone. I left him loose, because he is safer that way. He will remain loose. And I am looking at you well, mister: if harm comes to Diabolo from anybody, I shall kill *you*. Remember that. If you have enemies who would have me kill you, perhaps you had better guard my horse; but don't try to touch him."

The burly man stood with a snarl on his lips, but his eyes wavered.

The Kid relaxed and with his pistol still in his hand spoke to Diabolo, who followed him towards a vacant place at the hitching rack. After turning his back to the burly man, the Kid had taken several paces when one of several women in the watching crowd gave a warning cry.

The Californy Kid spun and went to his knees in one motion, just in time so that the pistol ball knocked the delapidated hat from his head. The burly man was leveling his second pistol when the Kid fired. The ball shattered the other's pistol-hand and sent his gun spinning as the shot went wild. Catlike, the Kid came to his feet, took several steps and stood looking down at the one who sat on the ground holding his maimed hand with the other.

"Mister," the Kid said, "never try that again—or I will shoot at your eye—not at your hand. And remember what I said about my horse."

"Greaser," the man spat, "take a good look at that sun goin' down; you ain't ever goin' to see it come up."

"That," the Kid retorted, "is always possible. We shall see." He turned away, led Diabolo to the rack and then pushed through the staring crowd to one of several benches before the *Golconda*. There, with his back protected by the front of the building, he opened his kit and quickly reloaded his pistol. Surrounded by a half-dozen others, the wounded man had moved away down the street. The crowd that had watched began to disperse, but no one spoke to the Kid. There was something like awe in some of the glances cast in his direction; others held what might have been pity for a doomed man.

HIS PISTOL reloaded, the Kid sat quietly watchful. Men, and a few women, passed in or out of the *Golconda*, giving him only sidewise glances, or none at all. The sun was yet an hour high, but the town was

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beginning to fill with men coming in from the diggings. The alert Kid sat watching the motley and colorful parade.

About twenty minutes had passed when a middle-aged and roughly dressed Mexican paused at the bench and asked the Kid for a match. There was an unlighted cigaret between his lips. While accepting the light, the man dropped a tightly-folded bit of paper into the Kid's hand. "From Senorita Diego," he said in a barely-audible voice, then walked on.

After a few moments the Kid carefully unfolded the note. It was written in Spanish and read:

Ride eastward until you overtake the man who will bring this. Then follow to where he will guide you. I will come there soon after it is dark. You are a brave cabellero, but foolish. What you hesitate to do for your people, you do instantly for your horse.

Paloma

The Kid smiled thoughtfully as he thrust the note into the pocket of his shirt and rose to go to where Diabolo stood waiting. It was dusk when he halted Diabolo before a rude log hut among others at the southern edge of the camp to which his guide had led him. The Kid had made sure that he had not been followed.

"Enter the poor house of Pancho Hererro, senor," his guide invited as he opened the door of the hut. "It is doubly honored this night, for soon the Senorita Diego will arrive. She has said that we will make no light, but if the senor will strike the match he will find the bench."

The Kid struck the match and found the rough bench. His host sat on a stool just inside the door, which was a burlap on a rude frame.

"You know who I am, amigo," the Kid asked.

"Si, senor. The senorita has told me, but I shall tell no others. She has said that."

"How did the Senorita Diego learn of my trouble over the horse?" the Kid asked.

"She saw, senor, from her window in the Eagle hotel, across the street. Time passed before I was found to bring you the message."

"The senorita comes mounted?"

"No, senor. She will walk and be sure that none follow. Have no fear that what the Senorita Diego plans will miscarry."

THEY HAD spoken little more, half an hour later, when soft steps were heard outside the door and the small figure of Paloma Diego, wrapped in a dark coat of ankle length darkened the opening.

"You are here, Senor Carter?" she asked of the darkness.

"Si, senorita" the Kid replied, "I am here—but why?"

"That I will tell you soon," she said, stepping into the hut with which she was evidently familiar. Guided by his voice, she seated herself beside him on the bench. "Pancho," she said, "move down the street a way; wait there for Pedro Velez, who will come with a bundle of garments. Take them and bring them with you when I call."

"Si, senorita," Pancho said and departed.

"You found your Aunt Maria?" Paloma asked quickly when Pancho was gone.

"Si, senorita; and we talked long. She is now in comfort at the hotel San Gabriel. I have supplied her with money, but she fears that you have given her so much that you have none. Is that true?"

"Gold!" she sneered the word. "I, Paloma Diego, who might be a filthy slave in a kitchen but that I am young and beautiful, and can sing and dance, do not worry about gold. To dance with me each pig gives me first the small gold coin—sometimes the larger one. Then I dance with them and promise perhaps more with my

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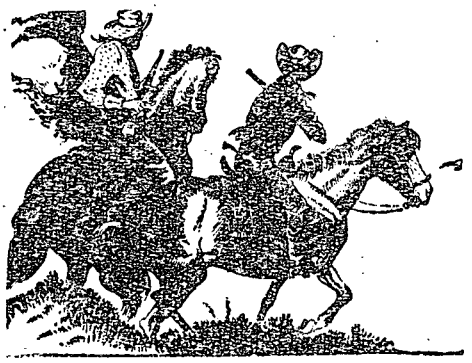
eyes. I only cheat while I wish that I might kill. But they dance with me and hope that one time I will hire my body to their bed—or take them to mine. For that Simon Hale has many times offered me fifty ounces of gold; and tonight I will tell him that he may come."

"No!" the Kid cried sharply. "You must—"

"At two o'clock," she stopped him, "I shall bring Simon Hale to my room in the Eagle hotel. He is rich and proud that he is rich. He will bring much more than the fifty ounces of gold with which to buy me. If the Californy Kid is not waiting in my room, I shall myself kill Simon Hale with the stilleto which will be beneath my pillow."

The Kid's fingers closed tightly about her arm. "No, senorita," he cried.

"Yes," she declared. "But I think my Muchacho del California will await Simon Hale in my room. Has he got wealth that he has stolen from you. Is it not his lies that have made you a man to be hunted and killed? Is it not—"



"Listen, senorita," he cut her off. "Since my talk with my aunt, I am firmly decided to deal with Simon Hale and the others who have robbed the Paduas and Zamoranos; but you must not push me in this, senorita."

"I shall push you, my muchacho," she declared hotly, "until you no longer need pushing. This afternoon I watched you do a thing of bravado—and a very foolish thing—for your horse. You will refuse to do less for me, and for your people? Has it come that I, Paloma Diego, must be jealous of a horse? What I watched this afternoon was brave, senor, but it was foolish. You humbled and shot down Bart Covey, segundo to Garth Dillon. Had the bullet of Covey found your back, no move toward justice would have been made; another upstart greaser would have been put in his place—under the ground. That is all. And tonight—now—Dillon lobos hunt you through the camp, to succeed where Covey failed. The Californy Kid has moved foolishly. Will you now listen to a plan of Paloma Diego, who knows that which is possible and that which is not?"

HAVING been silent while she poured out her tirade, the Kid chuckled softly and said, "I will listen, senorita. But I will be guided by my own judgment."

"Then hear," she said.

Ten minutes passed before she again fell silent. Then the Kid said. "I think yes, senorita—except that I will not kill Simon Hale. I have told you that there must come a day when I shall want Simon Hale to speak the truth—before just and honest men."

"Then how?" she demanded.

He spoke swiftly, revising the plan she had outlined. "It shall be done in that manner, senorita," he concluded, "or not at all."

After a moment of silence she sighed. "Then I must make sure that all is doubly prepared. And you must remember to be brutal, that I remain free to learn more."

"Never fear," he said.

She laughed softly. "I fear that part of your plan will cause my amusement to overcome my modesty, senor. But there appears to me a way to put that to use. Now I must go, but you may trust Pancho completely. Also Pedro who will have the horses waiting and will guide you. The clothing Pancho will bring when I have gone is not elegant, but it is whole and will be

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warmer in the hills than what you now wear. Also it may be of help in eluding those who will be hunting you while Pancho guides you to my room. Be careful, senor; I would not have you die cheaply."

That brought a grim chuckle from the Kid as she rose and moved towards the door of the hut. "Gracias, senorita," he called after her. "Adios."

4

AT A LITTLE past two o'clock in the morning the California Kid was growing tense and impatient, as he sat in a dark room in the Eagle hotel, almost directly across the street from the *Golconda*, and watched that roaring dive through the same window from which Paloma Diego had seen his defense of Diabolo. Because the horse would be marked, Diabolo had been left in a shed behind the hut of Pancho Herrero. At the rack in front of the hotel, the Kid could see two saddled horses waiting. He knew that the Mexican called Pedro Velez was on watch, somehere near. And Pancho, who did porter work at the hotel, would be lurking about the rear of the hall. The Kid now wore the poorly-cut and rough garments of a peon—better than those he had discarded, in that they were whole. His loaded pistol was belted about his supple waist.

The Kid gave a grunt of relief as he saw Paloma Diego emerge from the doors of the *Golconda*, accompanied by a big and well dressed man who walked heavily and not too steadily. The Kid's eyes narrowed as he turned from the window and took position with his back against the wall beside the door of Paloma's room. He drew his pistol and held it ready in his hand.

Minutes later there was the sound of footsteps in the hall and then Paloma, outside the door was speaking English as her key rattled in the lock. "One moment, Senor Hale," she said as the door was pushed open and she entered, "and I will make the light."

But a match sputtered and flickering light flared as the man followed into the room. His voice thick and heavy, he said, "Just show me the lamp, honey."

Tight-lipped, the Kid stood motionless and silent until the man had the oil lamp burning and turned from it. Then the Kid kicked the door shut and said grimly, "Hello, Simon Hale."

Simon Hale's beefy, florid face paled somewhat and his mouth hung open from surprise. Paloma, standing near Hale, gave a small frightened cry; it was good acting.

"Keep your woman quiet, Hale," the Kid growled, "because I'll put a chunk of lead right in your belly if either one of you makes a racket or moves wrong."

Hale's eyes, staring at the lean young face, suddenly widened and bugged. "By hell!" he cried hoarsely, the California Kid."

"Are you surprised?" the Kid asked. "I promised to collect in California for what you stole from me. First, I have your pistol and belt. Move very slowly while you unbuckle the belt; then let it drop and step away from it. Quick. I would rather shoot than not.

Thick fingers fumbled at the belt and it fell to the uncarpeted floor. Hale stepped away, as the muzzle of the Kid's pistol moved slightly. Paloma made a little whimpering sound and the Kid snapped at her, not taking his eyes from Hale.

"Quiet, woman. Sit on that chair by the wall and keep still."

She obeyed in the manner of a very frightened girl, doing it so well that the Kid wanted to smile.

"Now, Hale," the Kid ordered the really frightened man, "Take off your clothes—all of them, and be quick about it. If I have to search you, it

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will be after you are dead. Undress. Move!"

HALE OPENED his mouth, but made only a croaking sound—then began to remove his clothing. The man wore no underwear and it was not long before he stood in only shoes and socks. The Kid had smiled faintly as the pants fell heavily. A hundred ounces, perhaps.

"Now," the Kid ordered, "sit on the bed and throw your shoes and socks on the heap. They look expensive. Hurry." There was a note in his voice that moved the paunchy Hale. Shoes and socks joined the other garb. Then the Kid stooped, snatched the pistol from the holster on the floor and thrust it into his waistband. Hale sat glaring hate mixed with fear, His gross body was covered with coarse hair. Paloma was breathing hard. The Kid shot a glance at her.

"Woman," he said, "Make a tight bundle of the clothes and buckle the belt around it. I'm leaving your bedfellow, but I need his gold. It may be that next time you will not boast to other women of the great and rich man who is yours. Hurry; the clothes."

Paloma rose and sidled around him timorously, but she did a workmanlike job of bundling the clothes and making them fast with the gunbelt. The Kid stood with guns and eyes on Hale who twice started to speak, but got out no words. Then the bundle was made and Paloma rose.

"This is the first payment, Hale," the Kid said. "I'll be seeing you again—about the property of Carlos Padua. Be quiet, and keep your woman quiet until I am away, or I'll kill you both. Adios."

The Kid had picked up the bundle and was out the door with the final word. He reached the street without meeting anyone, and saw that a slender Mexican had untied the two horses and was in the saddle of one while holding the other. This would be Pedro Velez. A moment later they were riding eastward along the street that had begun to quiet down as the revelers finally wearied and sought their beds. The street was now dark except for light from the front of the Golconda and other such establishments.

Neither of the riders spoke until they had reached the hut of Pancho Herrero, who had heard them coming and was waiting before his house with a well-filled burlap bag.

"All is well, senor?" Pancho asked as the riders pulled up.

"But that I fear for the senorita," the Kid replied; "And more so now that I find you are not at the hotel."

"Have no fear, senor," Pancho said. "Others are there and no harm will come to the senorita. Here is food. And you should make haste, for unless Hale calls the alarm for you, the senorita will make sure that it is done. Pedro will lead you to the place and I will arrive before sunset, bringing word from the senorita."

Five minutes more and the Kid and Pedro were on their way, the Kid now mounted on Diabolo with Hale's bundled clothes lashed behind the saddle. Pedro carried the sack of provisions and led the way southward into the rugged hills that rose beyond the camp. They had covered some fourteen miles, and it was dawn when the horses clambered to a level shelf high above a narrow valley and Pedro announced, "This is the place, senor. Of this we will make the fort; it will be excellent, no?"

"It would be excellent," the Kid replied, looking about him, "but that the entire idea is loco, amigo. Of that we will have talk when Pancho arrives. Now let us eat and then sleep; I am weary."

"Si, senor," Pedro said, looking puzzled. "I will prepare the food."

WHILE Pedro was doing that, the Kid walked about in a tour of inspection. The level area was something more than an acre in extent. It was strewn with boulders and rocks of all sizes, between which grass grew sparsely. On three sides the slope fell

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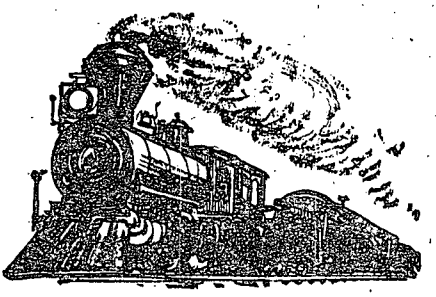
away steeply to the floor of the small winding valley some two hundred feet below. On the other side the flat was overhung by a high, sheer cliff and in this cliff a cave some sixty feet wide at the mouth ran back for about forty yards. As Pedro had pointed out, this was an excellent natural fortress.

When the light grew stronger, the Kid moved into the cave. He whistled softly as he saw that a part of the cavern had been packed with what appeared to be several tons of hay. Then he heard the gurgle of water and discovered that a spring ran from the rear wall of the cave, formed a pool and overflowed to disappear into a crevice. This was indeed a fortress—and being prepared to withstand a siege.

Pedro called that the food was ready and the Kid went out to him. The slender and rather handsome Pedro was in his thirties, the Kid judged. He appeared intelligent and the deference shown him by this older man puzzled the Kid.



"I suppose, amigo," the Kid said, "that you know I am the Californy Kid?"

Pedro's white teeth flashed in a smile. "Si, senor; the Senorita Diego has told me."

"And you know," the Kid said, folding bacon inside a tortilla, "that twenty-five hundred gold dollars would be paid to you for bringing soldados where I am?"

"Senor, the gringo soldados and politicos have taken from me ten times that sum. The senor cannot restore those of my family who have died, but the senorita has promised that the senor will lead us to recover our property and our rights as men in this California that was ours."

The Kid washed down a mouthful with black and bitter coffee. "The senorita," he said, "has, I fear, mistaken me for *Los Dios*. You are a man, Pedro Velez, yet you would follow a muchacho?"

"I, with many others, senor—for we know that which you have done alone. We have waited and prepared for the coming of one who would show us the way. And now you have come."

The Kid sighed. It was evident that Paloma Diego had promised her people a messiah and placed the crown upon his head. He was weary of denying the reputation with which he had been falsely provided. He finished his food in silence while Pedro eyed him with something like reverence.

"I would sleep now, amigo," the Kid said as he rose. "Then I would think of many things before Pancho arrives. I have seen the hay. Let us feed and water the horses, before slumber."

IT WAS MIDAFTERNOON when Pancho Herrero rode up to the small mesa, calling out as his horse climbed the slope. The Kid and Pedro had slept most of the day on the hay in the cave.

"The senorita Diego is safe and unharmed?" the Kid asked as Pancho was dismounting.

"Si, senor," Pancho assured him. "And she sends this word. A great opportunity has come, and the senorita would meet the Californy Kid at midnight in my casa. I am to remain here while you return with Pedro. The senorita expresses hope that you have rested today."

The Kid had given much thought to the situation between naps and had decided for a number of reasons to assume the role expected of him by these men.

"I will go to meet the senorita," he said, "but I am not one, amigos, to be moved as a pawn on a chessboard

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by a muchacha. I tremble when I think of that which the senorita may consider as opportunity. You, Pancho, can tell me of this one?"

"Only this, senor. It concerns that we shall acquire many guns—new rifles that are called John Hall and are loaded from the rear with great speed. There will be also much ammunition, but that which must be done requires haste and the senorita sends word that she will do all possible before the Californy Kid arrives."

The Kid frowned. "The ride is three hours," he said. "We will feed the horses, then prepare food for ourselves. After I have talked with the senorita tonight, I will make the plans."

Pancho, who was past forty, smiled. "You have never had the wife, senor?"

"No," the Kid said crisply. "Why?"

Pancho shrugged. "*Es nada.* I will make the cooking fire."

When the horses had been looked after the Kid moved to where Pancho had a fire burning and a can of water set to boil. Pancho looked up from where he knelt and asked, "There was much of the gold of Simon Hale?"

"I have not seen," the Kid replied, grinning. "Perhaps I should look." He went to where the bundle of garments had been dropped with his saddle near the mouth of the cave. Presently he returned, carrying two heavy doeskin pokes before them.

"Perhaps seventy ounces, amigos," he said. "There is a place here for hiding such loot?

Pancho smiled. "I am to make such a place during my wait," he said. "The senorita ordered that it be large."

The kid shrugged and left the pokes lay where they had fallen.

IT WAS PAST midnight when Paloma Diego arrived at Pancho's hut. The Kid and Pedro had been waiting in the dark interior, but Paloma struck a match as she entered. She smiled at the two on the bench, then lighted a candle stuck in its own grease to the top of a small table.

"We may safely have light, amigos," she said. "But Pedro will go down the road a little way and watch that no horsemen come."

Pedro rose and went out. Paloma sat down beside the Kid, who was regarding her sternly.

"What happened last night after my departure?" he demanded.

She laughed softly, her eyes gleaming in the candlelight. "Senor, it may be that I am immodest—but it was very comical. The fat pig sat there, entirely sober from fright, and cursed. He forgot entirely the purpose for which he came; I thought he would weep. He forbid me to spread the alarm, but when it had been long enough, I ran from the room and screamed it on the street as I hurried to the *Golconda.* I made sure that others of the Dillon lobos heard me tell what the Californy Kid had done to Simon Hale—and I saw them go out to his aid—and perhaps to laugh at him. But what I learned when the pig came back to my room at dawn, senor, is what is important."

"He came back," the Kid cried.

"Wearing garments," she said, "and remembering why he had come before. But I was very angry, senor. I told him that no coward would ever share the bed of Paloma Diego. I raged, senor. I said it all backwards so that nothing I said was a promise, but he understood that he would never have me until he had killed the Californy Kid, and proved that a woman could claim him with pride. And he has promised to do that. He bragged, senor—and that of which he bragged is important to us. I will tell you of it now."

"Backwards, perhaps," the Kid said dryly.

"To you, senor, I do not talk backwards. In boasting of how the Californy Kid will be humbled, Simon Hale told me that a train of four wagons will arrive in three or four days, bringing one hundred of the John Hall rifles to arm the lobos who serve Garth Dillon, and rule this territory

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while calling themselves vigilantes. Two or three nights from now, my muchacho, those rifles and all in those wagons will belong to the Californy Kid and those who follow him."

The Kid glared at her. "Senorita," he said, "again you are pushing me; this I do not like. I would act upon a plan I have made for myself. I do not promise to do this, but I would hear what is in your mind."

"Senor, it is in my mind that you are both brave and wise—but also proud; and that is foolish. You will do this thing because I, Paloma Diego, after it is done, will deliver into your hands all the lobos of Garth Dillon—and among those is Simon Hale. And when that evil band is exterminated, your mission—"

"Senorita," he cut her off. "This mission is your dream. Hear this. My father has told me much of these Americanos and their history. They are arrogant, but they are strong and they number as the sands of the sea. They are not to be stayed—and what they have taken they will keep. They are a people who will consider reason, but will not bow to force. This I understand for I was well taught—and Americano blood also flows in me. I would go to their judges with reason and ask for justice."

HER DARK eyes blazed as she raged. "Justice! From such as Simon Hale you would ask justice? From the miners' courts that banish and kill men for no other reason that they are greasers, and have that which evil gringos want, you would ask justice? These people of those Estados Unidos, how did they obtain justice and their rights to—bah, senor! They fought. And you who have been made a hunted man by their lies will fight for a horse, but not for the honor of your mother's people. You will *ask* justice, of men who will kill you while you are asking. Why—"

"Senorita," he interrupted, "there is logic in what you have said—but let us have an understanding; you thirst too much for blood. I will kill if that becomes necessary, but with regret. I am convinced that I must deal with those you have mentioned in order that I may live to be heard by others. That I will do. But I will not lead nor take part in rebellion against the Americano government. And I will make for myself the plans upon which I shall act. I will fight for justice, but not for conquest—and any men who join me shall know that. Now, if you wish, you may tell me of these guns and your plan for acquiring them. But having heard I shall do as I decide, for I have learned that I am not a man to follow orders."

She wore an odd expression as she said after a moment, "I wish, senor, that I had known your father."

The Kid gave her a puzzled glance, but before he could speak she hurried on. "Those guns are to arrive within a few days. There are but four wagons in the train, and because time is short I have already sent ahead fourteen men—all who possessed weapons and could be quickly assembled. They left with darkness and will wait for you at a place called Arroyo Pablo. Pedro will guide you and you can reach the arroyo tomorrow. Those who have gone are led by Manuel Portola—until you arrive. Manuel will know the gringos and wagons of the train. At the arroyo it will be easy to kill—"

His grim chuckle stopped her. "Life is easily taken, senorita, but cannot be restored. I think those guns will be appropriated without slaughter, after I have talked with the men I shall now hasten to overtake."

"And then?" she asked after their eyes had locked for a moment.

"Then it will be as befalls," he told her as he stood up, "but now I would be riding with Pedro. I have spoken with him and with Pancho and they are agreed with the course I would follow."

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She had also risen. She smiled bitterly. "And Paloma Diego is to be discarded, senor?"

"Most certainly not," he told her. "Pancho or another messenger will come to learn from you the things you so adroitly learn. And there will, if all goes well, come a time when I would have you go to my aunt with a message. I talked long with her and she understands what I would do."

She shrugged and lifted her dark eyes to his. "There is in you, senor, the iron that must be in a man. For this I have waited. Why is it that I am a little sad?"

"You are safe from Simon Hale and his kind senorita?" he asked. "I would sleep better knowing that."

She gave him a quick smile. "I am safe, senor, while the Californy Kid lives. And I have the stilleto. Now I will go and send Pedro to you. Ride wide of the camp, senor, for many of Dillon's wolves prowl seeking your life. Adios, my muchacho. *Vaya con Dios.*"

Then she was gone and the Kid stood with his fingers to the lean cheek her lips had touched in passing. He still stood like that when Pedro Velez appeared in the doorway.

5

PALOMA DIEGO waited six days for the messenger the Kid had promised to send, but none came. Then, on the morning of the seventh day, Pancho Herrero came to her room in the Eagle hotel.

"Senor Carter?" she asked anxiously as the door closed after Pancho. "He is unharmed?"

"El Muchacho is unharmed, senorita," Pancho told her. "And he is a man to follow. He is a man of courage and he plans with thought. Had our people been led by such men at the proper time, California might still be ours. In this little time, senorita, he has taught us much. He has made us understand that we cannot overthrow the government of the Americanos, but that we can win justice under that government as citizens. He has the plan magnifico for our people, senorita and—"

"I know," she stopped him, "but what of the guns?"

"We have them, senorita. Also seventeen good horses and many other supplies that were in the wagons. The nine gringos who were with the train surrendered without a shot to our ambush so carefully laid by El Muchacho. They are now prisoners in the cave and the wagons are hidden in the hills. For two days, senorita, we have practiced with the so marvelous rifles that will shoot many times in one minute. We are but sixteen, but we are the army most fearsome."

"There were one hundred guns," she said. "Why do you not call more of our men who wait?"

"That is not of the so-wise plan of El Muchacho, senorita, that our number be so large as to bring the Americano soldados upon us."

"You, amigo, and Pedro Velez and all the others know of this plan—and approve?" she asked.

"Si, senorita," he replied. "There are things to be done concerning Simon Hale and the other evil ones who serve Garth Dillon. After that, El Muchacho will talk with the politicos and generals of the Americanos. And that one can talk, senorita, in two tongues and with great reason and conviction. Si. Our faith in him is supreme; my tongue is clumsy, senorita, but you should hear the speech of El Muchacho."

"I have heard it, amigo. But when are these things to be done?"

Pancho smiled. "Today, senorita, perhaps within the hour, El Muchacho will strike—and in a manner such that there will be great astonishment. He waits now just beyond the camp in the ravine near my casa. With him are

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eleven men who have dexterity with the new rifles. They wait but for me to return with word that Garth Dillon gathers with his jefes at his office, as is their custom each morning. I have come without my rifle to learn that, and to bring word from El Muchacho that you are to remain here until we have departed from the street."

"But I must see him," she cried. "There is that which I must tell him."

"He has said, senorita, that any important information shall be sent by me. Also that he will be your visitor at this room on the next night but one."

After a silent moment she said, "Then I think I will keep my information for the so-independent Muchacho until that time. He will permit that I look out my window?"

At her tone and expression, a grin moved Pancho's week-old beard. "What senorita would not," he said, "although so ordered by Dios?"

A twinkle flashed in her eyes. "Say to El Muchacho," she said, "that I shall speak with the good Dios in his behalf."

"Si, senorita. And now I must go."

TWO HOURS after Pancho left Paloma Diego's room, Garth Dillon sat with five other men in the office of the Dillon Company. Two of the others were Simon Hale and Bart Covey. The burly Covey's hand that had been struck by the Californy Kid's pistol ball was still bandaged.

Garth Dillon was a big man with sandy red hair and the appearance of an athlete gone flabby. There was a cruel cast to his features and his pale blue eyes were hard. There were large freckles on the backs of his uncalloused hands. His business suit was of good material. His wide mouth was set tightly as he swept his lieutenants with a glance and said, "Gentlemen, I am worried about those rifles. The boys are at least three days overdue. They had orders to travel on strict schedule—and to send word ahead by another train if anything happened to delay them. There is a lot of money tied up in that train, and we need the rifles. I don't like this."

"Do you think maybe that damned Californy Kid—" Simon Hale began.

"No," Dillon chopped him short. "You got a bug eatin' you about that greaser, Hale."

"I want just one shot—" the whisky-hoarse voice of Bart Covey died as Dillon's cold eyes flicked his way.

"You had two," Dillon snapped, "and messed it up. The Californy Kid will be taken care of if he shows up in this camp again. But he had nothing to do with what is holding up the wagons with those guns. There are nine men with that train—and that greaser ladrone works alone. Far as we can find out, nobody ever seen him but Hale the night he left Hale naked as a jaybird in that wench's room. Forget the Californy Kid for now. We're rulin' this roost right now, with John Sutter blowed up because nobody will work for him any more, with gold rollin' out of every hill.

"But we need that lot of John Hall rifles. We need them before Sutter gets back with maybe some greaser help scared up, and some soldiers maybe to look into his tale of woe. Give our crew those rifles, and all the troops in Californy can't shake us out of these diggin's. We got possession of what will make plenty of millions for us right now. All we have to do is hold it. We got all the miner's courts eatin' out of our hands. All we need now is that batch of Hall rifles for our vigilante crew and the Dillon Company will be the government. Hell, I can be governor, time they get around to—"

He stopped as quick steps pounded the porch planks and the door was thrust violently open. The Californy Kid stood just inside the office, a pistol in each hand trained on the six seated men. Beside him in the doorway, Pedro Velez held one of the new breech loading rifles ready for use. Both were in rough peon garb but they looked, as a miner who had seen

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the raid said later, "like sudden death on the hoof."

"Don't move, hombres," the Kid snapped. "My friend is covering you with a John Hall rifle—if you are wondering what became of your shipment. And more of my friends have more of them out in front."

Garth Dillon was the only man squarely facing the street door as he sat behind the flat table that served as a desk, but Bart Covey sat so that he could see the invaders.

"The Californy Kid!" Covey exclaimed.

"And company," the Kid said crisply. "The Dillon Company has been too long in business. We have come to do something about that. Lift your hands high, hombres, and stand up facing this way. You, Dillon, move over first and stand beside your lobos."

When the six men were lined up as ordered the Kid said, "Come in, Enrico."

A SLENDER Mexican youth edged past Pedro Velez and at a nod from the Kid moved behind the six and relieved them of their pistols, dropping the weapons into a gunnysack which he had brought with him.

"Now, hombres," the Kid said, motioning with one pistol. "Stand over there with your faces to the wall."

The six obeyed.

The Kid switched to Spanish. "Quickly now, Enrico; place every book and every paper in this place in the sack."

"It is done, senor," Enrico said several minutes later. "And the sack is heavy."

"Place it in the buckboard which Pancho has said belongs to Dillon," the Kid said. "Then return to your horse."

Pedro Velez stepped aside and Enrico dragged the sack through the door.

"Now, hombres," the Kid switched to English, "all but Simon Hale and Garth Dillon will remain here until we are gone. Hale and Dillon will go out to the buckboard. Hale will drive as I stand behind him and direct. Dillon will stand up in the bed of the buckboard and call to any of his crew who see us that they will not shoot—or he will die by Pedro's rifle. Those of you who stay will say this to your companeros; the Californy Kid and his friends return to New Helvetia tomorrow night, armed with the John Hall rifles. Then we will kill any hombre who has served the Dillon Company that we can find. All who would live had better be gone by that time."

Garth Dillon's gaudily-painted buckboard rolled down the street, its driver and passengers arranged as the Kid had directed. It was nearly eleven o'clock and the street was deserted. Few miners had remained in the camp and such as were about had taken one look at the dozen grim faced and rifle armed riders, then sought cover from which to watch. There was little love in the camp for Garth Dillon or his henchmen. Ten armed riders escorted the vehicle and its mettlesome team. Pedro's mount was tied to the endgate and Diabolo, riderless, trotted along side. Thus the cavalcade was rolling past the Eagle hotel when Paloma Diego ran into the street, calling shrilly to the Kid.

The Kid frowned blackly, but his crisp order brought a halt. A pistol pressed to Hale's back, he glared down at Paloma.

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"Little fool," he snapped at her in Spanish. "Silence your tongue and climb in the back. Quickly, and do not interfere with Pedro."

Paloma, clad in her simple brown dress, obeyed. Simon Hale growled in his throat as he realized the truth about the trap into which he had been led. Then the Kid's pistol nudged his back.

"Drive," the Kid ordered.

6

TWO HOURS later the camp of New Helvitia was still buzzing with talk of the raid by the Californy Kid when John Sutter rode into the town accompanied by a troop of cavalry in command of Major Leonard Donahue. Sutter had ridden to Monterey in a frantic effort to save his fast crumbling empire. There he had gained a hearing by leaders of the military. Sutter, who had first won and financed his vast undertaking with his nimble tongue, again saved it temporarily by his eloquence and Major Donahue and his troop had been sent as first of those who were to establish order in the unruly diggings.

The story of the Californy Kid's raid upon the Dillon Company and what had followed was related to the Major and his lieutenants in many versions. The Major, a veteran of the Indian wars, listened to all—and to the opinion of John Sutter who he had been instructed to listen to with favor. Then he sent his best scout to take the trail of the Californy Kid's party, and see if it might be possible to run the legendary Kid to Earth.

The scout made good time to where the buckboard had been abandoned some two miles from the Kid's hidden fort. He located that at dusk by the light of its campfires and reported to the major an hour before midnight.

"I reconnoitered," the scout reported. "The place is hard to approach and a good breastwork of rocks and boulders has been built. But there are not more than twenty men to man it—and I saw no water. I doubt that the place could withstand many days of siege."

"Very good," the major said. "Not more than a four hour ride for the troop, you say? We will march at one hour after dawn. This Californy Kid has needed some attention for quite a while."

But in the morning John Sutter protested to the major. Sutter thought the troops should get about the business of policing the diggings and restoring his empire.

"Besides," Sutter said. "I know this Leon Carter. Both he and his father worked for me until about two years ago. He is only a boy. I find it hard to believe he has become such a desperado. Anyway, he has threatened to return to New Helvitia tonight. Why leave this place to pursue him and his handful of Mexican followers?"

"Because," the major replied, "I prefer to do the attacking, where I can surround and besiege, rather than to be attacked by men armed with the John Hall rifles which Washington has dallied too long about sending us. I am puzzled about how this Garth Dillon got hold of them."

"Garth Dillon is a scoundrel," Sutter declared.

"That does not explain how he got John Hall rifles which should have been coming to the Army," the soldier retorted. "And I mean to find out if possible."

"Then I shall go with you," Sutter declared. "It may be that as his former employer and friend I may be able to reason with this Californy Kid."

"You are welcome, sir," the major said. "We march in half an hour—with one day's rations. I am told the latter part of the way is rough. We can send back for provisions if need be."

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PEDRO VELEZ hurried from his outpost to report to the Californy Kid the approach of the cavalry troop. "There are more than a hundred—possibly two hundred," Pedro reported.

"You are sure they are Americano soldados?" the Kid asked.

"Si, senor. In splendid uniforms."

"Then I shall talk with their commander, amigo. It may be that I am wrong, but I will not believe that a nation—my father's nation—can rise to be so great if it is not, under all else, just. Meanwhile, look about you, Pedro. We have made a strong fort of rocks. There at the place of each man lie five loaded rifles and much ammunition. Few as we number, even three hundred men could not charge up that slope against our fire. We have water and much food which was in the wagons of Dillon. Rifle balls from below cannot hit us.

"Si, amigos, I am in the position to talk to any man—for all of us. All the men to their places, but do not open fire without my order. The hombre, Simon Hale, can do much to help if he will but speak the truth; and I think I can persuade him to do that. But let us first make haste to be ready when the Americano soldados come. How long, Pedro?"

"Ten minutes more, senor, unless they tarry."

Paloma Diego, who had stood aside but listened intently, now slipped quietly into the cave. The horses were picketed just outside, where stakes could be driven. Passing them, she ran back to the rear of the cave where eleven men sat against the rock wall. These were the nine from the captured wagon train along with Simon Hale and Garth Dillon. Their ankles were bound, but their hands were free. The young Mexican, Enrico, sat on guard nearby. Nodding to Enrico, Paloma approached Simon Hale. The surly captive raised his bloodshot eyes. Because he knew but little Spanish, Paloma spoke in precise english.

"See this pistol, Simon Hale," she said, exhibiting the cocked and primed weapon. "In a while, Senor Leon Carter will ask you to speak the truth concerning him. I know that truth, Simon Hale—and I shall remain near you with this gun ready. If you speak one lying word, I shall kill you—although my own life ends the next moment. Remember what I have said."

She turned to leave the cave and as she passed, Enrico said softly, "And if you miss, senorita, I shall not."

As Paloma emerged from the cave she heard the Californy Kid shout from where he crouched behind the rock barricade that had been erected about the edge of the level area, "Do not approach nearer, senors. It is not our wish to kill Americano soldiers. I have been told by my Americano father that you are just and honest cabelleros; no shot will be fired from here unless you try to climb the slope. I would speak with your general."

A short laugh came from a clump of trees and brush at the foot of the slope, then a strong level voice replied. "I am not a general, mister, I am a major, but I command these troops. Are you the Californy Kid?"

"I am Leon Carter, sometimes called that," the Kid replied. "How is it that you hunt me and my friends when we have made war only upon ladrones and buscaderos?"

"I have been told differently, Kid," the voice replied.

"Then you have heard lies, major," the Kid called back, "or read them on a poster. I have never killed a man and I don't want to kill now. This—"

"Carter!" a familiar, resonant voice from below cut him off, "Leon. This is John Sutter. I have told the major I can't believe you guilty of murder. Have Garth Dillon and Simon Hale been hurt?"

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"No, Mr. Sutter. But both of them should be hanged. I would have proved that if the soldiers had not come so soon. I can still prove it—and also that I have been falsely accused—if the major is a man of reason and we can arrange to talk without shooting each other."

"You can surrender," Major Donahue called, "and I will guarantee a fair trial for all of you in—"

"No," the Kid called back. "My friends are Mexican and I try to not be ashamed of my father's blood. Many of my mother's people have had trials by miner's courts. One of them was Carlos Padua, husband of my aunt. Those who are with me prefer to die here if necessary. You could not take us, Major, if you had twice as many men as you have. There would only be useless slaughter."

"I agree with that, Kid," the major replied, "and I will not expose my troop to the fire of the John Hall rifles that I know you have. But there will be artillery arriving before many days and you will be taken. What about that useless slaughter?"

"Before another day comes," the Kid replied, "we will come down and either escape or sell our lives at a sad price. We ask only justice, Major. Would it not be better to hear us as we would be heard?"

"And how is that?"

"In this situation I can see but one way. You must come up and look at papers and books I have taken from the office of the Dillon Company, and hear other things. I promise that you shall then return to your soldiers unharmed."

"Why should I trust you," the Major called, "when you will not trust me. I hold the best—"

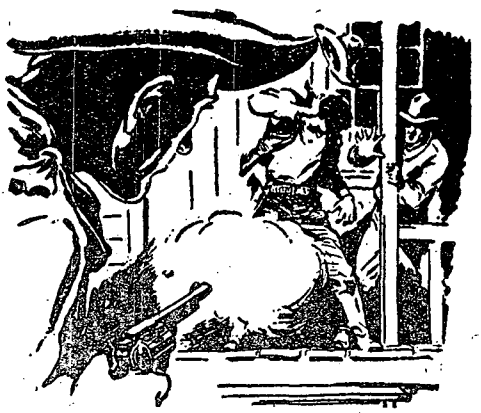
THERE WAS a sudden rustling in the brush below and John Sutter strode into view. "Your promise is good with me, Leon," he shouted. "I am coming up. When I have seen the Dillon papers, maybe I can return and convince the major." Unarmed, except for a holstered pistol, Sutter mounted the slope in long strides. A minute later he climbed over the breastworks.

In the clump of trees and brush, Major Donahue stood with four aides. The troop had been halted and left some two hundred yards down the ravine while the major and his party crept up to observe.

"That jasper's palaver rings sort of honest?" the scout growled at the major's elbow. "I'll go up there if—"

"No," the major stopped him. "We will wait now to hear from Sutter."

A quarter of an hour had passed when John Sutter's tall form appeared atop the breastworks.



"Major Donahue," he called down, "I recommend that you come up. I know most of these men, and the truce Carter offers is sincere. I have seen papers that will prove many of the facts I laid before the commissions at Monterey and San Francisco. I am convinced that these men have a case—and that you should hear it."

When no immediate reply came, Sutter went on, "I am staking the success of my entire undertaking on the integrity of these men, Major. And has it occured to you that a hundred John Hall rifles could have long since riddled the timber where you stand?"

A moment later Major Donahue and his aides were climbing the slope. The major's six-feet-two towered above

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the slender Kid as they shook hands formally. Back near where the horses were picketed, the Kid's shabby cohorts stood with faces grim and rifles at the ready. A twinkle came to the major's eyes as they flicked over the stronghold and back to the Kid's sober face.

"You don't look as black as you are painted, Carter," he said. "Do I meet the lady?" Paloma had edged nearer the Kid, her cocked pistol in hand.

The Kid's glance followed the major's. "The senorita Paloma Diego," he said. "She has no business here and I ask—"

"For me he asks nothing, senor major," Paloma interrupted. "I am one of these patriots and I will die if they die. But many others will also die. I have not the faith of El Muchacho in your justice."

"You are honest, senorita," the major said, smiling. "And loyal and beautiful. Let us see if something can't be done to restore your faith." He turned to John Sutter. "You have seen the papers of this Dillon Company. What are they?"

"Records," Sutter replied, "or partial records of villany of many sorts—including signed proceedings of miners' courts composed largely of Dillon's own henchmen and delivering rich mining claims to the Dillon Company upon testimony that can quickly be proven false before any honest court. You had best scan them yourself, Major."

Sitting on a large flat rock, the major perused ledgers and other papers from the burlap sack for some twenty minutes. Then he stood up, glanced at Sutter and then at the Kid. "What was your purpose in seizing these papers and the man, Garth Dillon, Mr. Carter? he asked.

"I hoped—"

THE KID'S words were interrupted by a sudden commotion. In the cave, young Enrico had grown careless in his anxiety to see and hear the conference outside. He had been felled by a rock which Garth Dillon had loosened and flung. With a knife from Enrico's belt, Dillon had quickly freed the other prisoners. Slipping through the picketed horses the eleven men had leaped, surprising the riflemen who had also been too intent upon the conference. A moment later the erstwhile prisoners were in possession of a rifle each and in command of the situation. Two weapons had been discharged, but no damage had been done by the bullets. With a frightened cry, Paloma Diego had tottered a few steps and collapsed in a limp heap.

Cold eyes glaring behind the rifle in his hands and covered by those his men held, Garth Dillon snarled orders. Too late to draw their pistols, Major Donahue and his aids raised their hands. So did the Californy Kid and John Sutter. The desperate Dillon crew had struck with rocks picked from the cavern floor and seven of the Mexicans lay still where they had fallen. The others, weaponless, crawled or backed toward the group about the Kid and the major. Paloma Diego lay where she had fainted.

"Now," Garth Dillon gloated, "this is better. Hale, stuff all those papers back into the sack. Then you, Joe, Curly and Dan, saddle a dozen horses. The Major is going with us until we get well on our way."

Hale moved over, laid down his rifle, and began to gather papers and books into the sack. At another order snapped over Dillon's shoulder, three other men laid their rifles handy and picked up saddles and bridles from the pile near the end of the row of horses.

Then Paloma Diego moved suddenly. Her hand that had been hidden beneath her came out and flame belched from her pistol. Garth Dillon straightened with a jerk, then his knees buckled and he crashed like a fallen tree. Paloma had fired at a distance

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of less than a dozen feet. In the moment of startled inaction that followed her shot, Paloma sprang and snatched up one of the rifles laid ready at the firing posts. Her rifle shot mingled with those from the six of the Dillon men who remained armed. One of those went down as he fired. One Mexican fell dead; another was hit in the arm, and the army scout fell with a rifle-ball in his thigh. Then as the army pistols opened fire, bedlam really broke loose.

IT WAS ONE of those times when minutes are required to relate what happens in seconds. Too late, the Dillon henchmen realized that they had neglected to sieze ammunition for the Hall rifles. They turned to flee over the breastworks and down the slope as the pistols of their erstwhile victims opened fire. Then fury burst among them. One man, carrying a saddle had made the mistake of approaching Diabolo—who stood untethered among the other horses. Now he staggered back screaming before the open mouth and flashing hoofs of the one-man-horse. He tripped and fell over one of the prone Mexicans and Diabolo whistled in rage and charged another man, who had struck at him with a bridle.

In the midst of all this, Simon Hale had dropped papers and lunged for his rifle when the one hundred and sixty-five pounds of the California Kid landed in the small of his back, striking with a pistol already fired. Hale went limp and sitting upon him the Kid called sharply in Spanish, "Quiet, Diabolo."

The horse stood quiet and looked around at his master, who sprang to his feet. Four of the Dillon crew who had not fallen before the pistol volley had leaped over the breastworks and fled wildly down the slope, two of them still clutching useless rifles. Then the situation changed again.

All pistols were empty and Paloma Diego stood with a loaded rifle trained upon the Major and his two standing aides. "Do not move, senors," she said, "for I will surely kill the first to do so. We will all stand quietly until our amigos have recovered and are armed."

The California Kid's blue eyes turned upon her and his lean face hardened. Then he walked firmly towards her. Her eyes blazed, her nostrils flared and her splendid breasts heaved while her grasp on the rifle stock whitened her knuckles. But the Kid came on and wrenched the rifle from her grasp. He turned and presented the weapon to Major Donahue.

"I am sorry, Major," the Kid said, "but the senorita thirsts for blood, and reasons with her heart. This was a truce by my word. It remains a truce, if what my father has told me of his people is true."

"Sir," the major said with sudden respect. "I should liked to have known your father."

"I knew him," John Sutter spoke up, "and I assure you, Major that Ahab Carter was one of nature's noblemen."

"Ahab Carter!" the major exclaimed, then faced the Kid eagerly. "Where was your father's home, sir?"

"He has told me, Major, that he was born in New England—in the state called Rhode Island."

"By God, sir," the major cried. "I *did* know your father—well. We were schoolmates—in Newport. And I speak to a son worthy of Ahab Carter. There—"

"Major," a voice hailed from the foot of the slope, "is all well? I heard gunfire and took the liberty of moving up the troop."

The major had been standing where he was visible from below. Now he spun and called down, "All is very well, Sergeant. You will hold up the troop, but send up the doctor—alone. We have wounded men."

"Yes, sir," came the reply.

Half an hour later all the wounded men had been cared for and all but

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the scout with the shattered thigh were on their feet. Simon Hale sat sullen against the rock bulwark with a double guard. Seven men were dead—six of them Dillon and his men.

"With your permission," Major Donahue said to the Kid, "I will call up an unarmed detail and start these bodies to New Helvitia."

WHEN THE bodies had been taken away, the Californy Kid brought from inside his shirt one of the reward posters and handed it to the major. "Sir," he said, "every word on this paper is a lie and this man, Simon Hale can prove that what is listed as my first crime was no crime at all—if he will tell the truth. That is why I brought him here—that he might speak the truth to my amigos—and later to those who would judge honestly. Perhaps if you will ask him—"

"Leon Carter," the major said, smiling. "I would prefer that you tell me; then I will ask Hale to verify your story. But, being prejudiced in favor of the son of Ahab Carter, I will believe you in any case. However, Hale's willingness to testify just might save him from dancing at the end of a rope. I am ready to listen."

"This I swear is the truth," the Kid began. "More than two years ago my father decided that he and my mother and myself should leave the fort of John Sutter and return to the New England of which you know. We departed with a well stocked wagon, a good team and my colt, Diabolo, who was then two-years old. We had also sixteen hundred dollars in gold which my father kept in a leather pouch."

"To what Leon has said to now," John Sutter spoke up, "I will testify."

"Snow in the Wasatch range and a bad winter caused us to camp near the great Salt Lake," the Kid went on. "There my mother died. In the early spring, my father and I started on eastward. In the Wyoming desert we were attacked by a small band of Indians, of which some had guns. A wagon train came from the east and the Indians rode away. But my father had been shot. He had told me that he was dying and that I should return to my mother's people in California when four men rode up from the train. One of those men was Simon Hale.

"My father, who had grown very weak, asked Simon Hale, who was captain of the train, to let me join it and return with it. Simon Hale promised to look after me and see that I arrived safely. Then my father said that the wagon and all our goods and the gold which was in a place under the wagon seat were mine. Then he died.

"Simon Hale then told me to drive my wagon with my father's body back to the train. He and the other men rode on ahead. I learned later that two were his cousins and one his brother-in-law. My father was buried quickly and when the train moved on one of Simon Hale's cousins was placed on my wagon with two other boys. I asked to ride Diabolo, and was allowed to do so—I think because Diabolo was then three years old and so trained that he would let nobody but myself, or my father, lay hands on him.

"When I protested about what Simon Hale had done, he told me that I was a minor—I was then seventeen—and that my father had, before witnesses, made him my guardian. He said papers would be made out later. I remained for two weeks with Simon Hale's train, doing the roustabout work when camp was made and broken. I was called only the Californy Kid, as one not worth a name. But I watched and made a plan and one

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night I rose from where I slept on the ground under a wagon and saddled Diabolo. Then I crept to the wagon where I knew Simon Hale slept with my gold and other valuables under his pillow. He awakened with the point of my knife at his throat. I was allowed to carry the knife for gathering wood for the fires. I told Simon Hale to lie still, then I felt under his pillow and found my father's pouch, knowing it by the silk drawstrings which my mother had woven. Then I jumped from the wagon and rode away on Diabolo, after saying to Simon Hale that I would meet him in California, and be even for my wagon, team and goods."

THE MAJOR chuckled. "It would seem that you have kept your promise." Then turning to Hale who sat on the ground under the eyes of his guards, "Is what Leon Carter has told me true?"

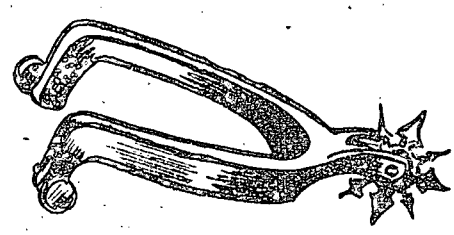
"Yes," Hale growled, "but the fool kid went off half-cocked. I was just lookin' after—"

"I can imagine," the major snapped. "We will go into—"

"Please, Major," the Kid cut in, "I must still tell you of the second thing on that list. It says, if you have noticed, that I slugged a sentry who was guarding another train at night and stole his musket, powder horn, caps and ball pouch. There is none to verify this, but I would tell it truly."

"I am sure you will," the major nodded. "I'm listening."

"I rode from Simon Hale's train," the Kid went on, "fearing that I would be chased, but knowing that no horse of the train could catch Diabolo. It was my hope to overtake a train that I knew was not much more than a day ahead. I had no weapon but my knife and no food, but with my gold I hoped to buy a gun and some provisions from the train ahead. It took me two days of hard riding with little sleep to catch it. At first they were kind. They heard my story of the Indian attack, but I did not mention Simon Hale's train. They remembered meeting my father and I on the trail. They fed me and invited me to join their train. But I was afraid that I was being chased by Simon Hale and I refused. That made them suspicious. They could not understand why I wished to ride on alone. They refused to sell me a gun, even when I offered a hundred dollars for one that could not be worth more than sixteen. I understand that now, but then I was only a boy."



"But quite a boy," the major exchanged smiles with John Sutter.

"So I rode ahead and hid in the hills where I thought they would camp," the Kid went on. "And that night when two sentries came out and built their campfire, I slipped up behind a boulder and listened to their talk. I learned that one of Simon Hale's cousins had caught up with their train during the afternoon. He had told them a big lie about how I had stolen the gold—and if he did not overtake and shoot me, he was going to report me to the soldiers at the Fort near Salt Lake. I was very frightened, Major, but you will understand that I could not ride into the desert and hide with no food and not even a gun."

"Hardly," the major agreed dryly.

"So when one of the sentries walked away from the fire, I followed him and hit him on the head with a stone. Then I took his musket, powder horn and pouch, but I dropped five double eagles inside his shirt in payment before I rode away into the desert on Diabolo, who waited for me over a hill. That is all true, Major, but there is none to prove—"

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"But there is," Paloma cried, coming to her feet from where she sat on the rocks. "I, too, have read the posters and heard much talk in the cantinas. The name of the sentry was Earl Simms—and he is a bartender at the Golconda. I have heard him tell of this, but he made no mention of the gold pieces in his shirt."

THE MAJOR slapped his knees and laughed. "I think he will, senorita. And your other crimes, Leon Carter? Were they as black as those you have told?"

"There were no other crimes, Major. That night I rode into the desert, then westward until I came to the mountains and a valley where I made a camp and stayed through the winter with Diabolo while I thought much and decided to try to find my mother's people. Last month when I reached the trail along the coast, I was much surprised to see one of those posters and to learn of the discovery of gold."

"This winter camp you made," the major said. "Could you return to it?"

"I think so."

The major grinned at John Sutter. "And that is how, by the three-black-crow method, liars make bad men of babes in this glorious west of ours."

Sutter smiled and glanced at the Kid. "It may have been a babe who rode into that wilderness with one horn of powder and a knife—but I think it is a man who has come out."

"Right," the major agreed. "And, Leon, I promise as an officer, a gentleman and a friend, that if you will allow me to send you escorted to San Francisco to talk with Peter Burnett and Benet Riley, your name will not only be cleared but you may well be rewarded for your help in exposing the deviltry of Garth Dillon and his company."

There was a sharp gasp from Paloma Diego which drew all eyes, but hers remained locked with the blue ones of Leon Carter. After a long moment the Kid said, "Major, I certainly wish my name cleared, but there are other names. Zamorano, Padua, Diego, Herrero, Velez—"

"Allow me to anticipate you, Leon," John Sutter stopped him. "Do you think I would lie to you?"

"No sir."

"Well, Leon, I have during the past two weeks spent many hours in conference with Benet Riley—now military governor—and Peter Burnett, who will be civil governor in a few months. I know that all property now held by the military and otherwise taken from control of those who owned it under the Mexican regime will be promptly restored to the rightful owners, or their heirs, when California enters the union this fall." He looked at Major Donahue and frowned. "I know of no reason why you people may not peacefully return to New Helvitia with us, and go about your business until these matters are straightened out."

"There is none," the major declared. "I was sent here with power to declare martial law in the goldfields if I thought it necessary. I certainly have the right to declare amnesty for Leon Carter and his friends—and I so do. Why not return with us, Leon?"

"Does this mean," the Kid asked, "that those who were citizens before, will become citizens of the great United States?"

John Sutter answered. "Immediately upon their declaration of such desire. Of that I have been doubly assured."

"So why do we not all return to the camp together," the major urged, "while there is yet time to reach a good supper table?"

The Kid hesitated for a moment, then began, "I will—"

"Muchacho!" Paloma Diego called sharply from where she had retired to some distance and had been in low voiced conversation with Pancho Herrero and Pedro Velez.

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The Kid excused himself and went to where the others were gathered. He returned shortly and said to the major, "Is it that my friends and I may follow after your soldados by some little time?"

The major smiled. He was too wise a man to shake the hard won and still shaky faith of these people. "Of course," he said. "If you say you will come, I shall expect you without doubt—and you will all be guests in our mess tent tonight. We will leave now and get the troop moving." He looked over to where Paloma stood listening intently. "Hasta la vista, senorita." Then he was gone with his aides, herding Simon Hale ahead of them.

THE CALIFORNY KID watched them to the bottom and stood gazing thoughtfully into distance until he heard the call of the bugle that started the march of the troop. Then he turned and strode to where the others stood watching him.

He smiled at Paloma and spoke in easy Spanish. "Did not reason produce more pleasant results than much bloodshed, my little wildcat?"

Paloma shrugged, but she returned his smile.

"And now," the Kid asked, "what is this so secret matter, amigos?"

All eyes went to Pancho Herrero.

"Senor," Pancho said. "You remember that I was to make a good place to hide the gold of the gringo, Simon Hale?"

"Si."

"One moment, senor," Pancho said and hurried into the cave to return immediately. He carried a cooking pan nearly filled with dark sandy loam. "I dug a hole," he said, "down the slope near a flat rock with which I meant to cover the cache. This is some of the earth that came from that hole."

In the language of miners, the pan of earth was rotten with color. There were even grains nearly as large as a grain of rice. For moments all gaped then Paloma burst into almost hysterical laughter.

"Oh my Pancho," she gasped. "You dig a hole in a mountain of gold to bury two tiny bags."

IT WAS late dusk when the little band, led by the Californy Kid, rode into a somewhat subdued New Helvitia. The army camp at the eastern edge of the diggings was more than half erected. There were sixteen guests of honor at the expanded officers' table in the huge mess tent. Later, Major Donahue and the Californy Kid conferred privately during a walk.

"Major," the Kid asked, "if I or my friends now stake and file on claims will there be trouble for us with vigilantes or miners' courts, do you think?"

"There will not," the major declared flatly. "In the first place, most of the vigilantes seem to have gone away from here after your warning when you raised hob with the Dillon Company. And the rest have been conspicuous by their absence since Garth Dillon came in dangling across a pack horse. As to miners' courts, let one more convene, and the whole kit and caboodle of them will get smacked with martial law so quick it will make your head swim. I tell you this in confidence, Leon, not to be repeated until the bulletin is posted. My commission as a full colonel will arrive soon—along with orders to establish a permanent post here. Along with the decent people, a lot of the mill tailings of hell have come into these diggings. But this is now the United States of America, which has dealt with that sort before. The justice and equality before the law of which Ahab Carter taught you will no longer be empty words. You and your friends may depend upon that—and stake your claims where you find them."

"We have already staked them," the Kid said, then told of Pancho's discovery fourteen miles south of what was then thought to be the edge of the gold bearing area.

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"The hell!" the major said. "And we had our little fracas right on top of that." He laughed. "So that is why you were so long in following us?"

"Yes sir. We staked our claims over the entire slope and we have agreed to form a company. My friends insist that it shall be named Los Amigos del Muchacho. And there is to be one tenth of all gold from our mining set aside for you Major."

"No—" the Major began.

"Give it away, if you wish, Major," the Kid told him, "but do not refuse that which is given freely in friendship by my mother's people—and mine."

"I'm beginning to understand these —your—people," the major replied. "Excepting the women. What of your Senorita Diego? Does she still distrust me?"

"The gift, Major, was her idea," the Kid said, smiling. "She is not yet my senorita—but I think she will be soon."

And she was.

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INJUN SIGN

Fact Feature by Cliff Campbell

IN ORDER to keep alive and healthy in the Old West, it was necessary to be able to read sign. Thus old Markhead and his companions had followed a creek. Beaver sign was abundant and they had set eight traps. But the shrubbery on the side had been pushed aside, which meant people had passed it; there was a large stone in the creek which didn't belong there. He studied this stone and then announced to his companions.

"Squaws come here for water. Have kettles with them. This stone placed in stream so squaws can dip their kettles in the deepest water. Indian huts must be near by."

Now both the Indian and his white brother were intelligent enough to know that signs left behind could be interpreted, so steps were often taken to conceal signs. Thus, Magnus Colorado and his group were waiting to trap the enemy. A dust cloud was a sign to him that they were entering a given point. However, Colorado was careful to leave his ponies at a distance, so that there would be no sound of neighing to betray his position. In addition, water was sprinkled at the feet of his ponies so that, when they moved around, no dust would arise from the gulch in which they were kept and betray their presence.

Killbuck the trapper wore moccasins and he and his group spotted Indians. He tracked them, but was very careful to prevent sign of his being there. He picked his steps on the rock-covered ground, so that there wasn't a track visible of his moccasins. Then he watched smoke come from a fire. He knew by sign it had to be an Indian fire, because there was a great difference between an Indian's fire and a white's. The former placed the ends of logs to burn gradually, while the latter placed the centers to make a very warm bonfire. In fact the Indians themselves would say about the white man's fire, "The paleface makes a fire so hot that he cannot approach to warm himself by it."

Of course it was possible to create "false signs" to deceive the enemy, as done by Captain Bonneville. He and his party were headed up the Blackfoot River. He saw a war-party of about sixty Blackfeet on the plain immediately below him.

He wanted to convince them he was strong, so he had the squaws with him lead the horses to a small grove of ash trees and unload and tie them. A great bustle was made, then his few soldiers rode their horses and made more noise—all to create the impression that his force was numerous. Extra fires were prepared in his camp, so that when the Indians looked for "sign" they would be deceived. It worked, and the Blackfeet decided not to attack this party.

Colonel Richard I. Dodge spent thirty years among the Indians. He pointed out that "sign", in frontier language, meant any evidence that something has been on that ground. And a trail is a succession of these marks or signs. One day a scout reported that a fresh trail had been found which lead to a village of hostile Apaches. It was dark when the command went out to locate that village. The Indian scouts found the trail by working through rocks and thickets and feeling the ground with their fingers.

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The marshal walked out in front of the approaching horsemen and raised his hands above his head . . .

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ACTION-PACKED NOVELET by R. S. LERCH

RETURN TO HELL

Aspen Grove was a peaceful town, Marshal Holt Dermody thought. But trying to run a ranch, and be a peace-officer at the same time, wasn't Helen Wayne's idea of husband-material.

MARSHAL Holt Dermody watched the big man in the pearl gray Stetson, black, broadcloth frock coat and black trousers over silver stitched half-boots, step out of the stage coach and walk into the hotel; and a thin thread of warning ran through him. The man had spent a number of days in Aspen Grove some two months before; and during that time he had ridden the plain from the edge of the desert in the east, to the Folded Hills on the north and west, and the Rim on the south. He had spent an hour in the bank and nearly three hours in the land office. His name was Hugh Packard, Dermody had learned from the hotel register.

Dermody wondered if there were any connection between Packard and the several hard looking characters who had appeared in town and on the range shortly afterward, and had later disappeared; or if there were any connection between these characters and the apparently accidental death of a bachelor who ran a small ranch at the edge of the hills, or of the desertion of another small spread by a shiftless rancher and his wife after their cabin had burned down, or the complete dis-

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appearance of a young puncher who had just started his own ranch in one of the valleys adjoining the plain.

Holt Dermody had the night shift and as he stepped into the office to relieve the day marshal, Ed Harper had given his warning, too.

"Couple of hard cases in town, Holt. Might be you'll have a little excitement before morning. They're over in the Tarantula, last I seen of them. Well, she's your baby now, boss," he finished and left the office, heading for his cabin on the poplar shaded street west of Front where the smooth contours of the Folded Hills made a pleasing sight with the sun sinking behind them.

Dermody was recalling these words when he heard the shot. He whirled, took three long strides across the plank walk, and pushed through the double half-doors of the Tarantula. The tableau was as unchanged as it had been the instant following the shot. The bartender stood a dozen feet down the bar, his hand on a bottle. The neck of the bottle had been shattered, and behind it was a little, crack-starred hole in the back-bar mirror. Facing the bartender were two men, one who may have been twenty-five or fifty, his deeply and viciously lined, walnut-colored face of that agelessness often acquired by those who live constantly in the open; the other looked to be still in his teens, wore his hair long, had bright, restless eyes, and betrayed a nervousness of movement that spoke of unpredictability. The guns of the two men were in their leather but there was a wisp of powder smoke drifting from the bottom of the youth's open holster.

The voice of the youngster, almost shrill yet edged with excited laughter, drowned the sound of the marshal's entrance.

"Listen, Apron. When we ask for service we get it—pronto. Next time you're slow we won't waste lead on the bottle."

"Having a little trouble, Lou?" Dermody asked quietly, without looking at the bartender he had addressed.

The two whirled on him. The youth, seeing the shield on the vest of the marshal's stocky figure, laughed derisively. Dermody showed no sign of resentment. He spoke again, breaking in on the lads sneering laugh.

"This is a peaceful town, boys. Those who forget are remi ded of it. It's going to stay peaceful. You—"

"It's a dead town, and it's going to be jarred alive," the larger man answered, while his companion's laughter stopped as he watched with restless eyes that were bright and probing for the officer's next move.

Dermody went on as though he had not been interrupted..

"You will put your guns on the bar and Lou will keep them until you are ready to leave town. You will pay for the damage to the back-bar mirror, or you will come with me to the calaboose and pay the J.P. in the morning."

"Why, you damned, tin-starred—" the youth began in falsetto anger.

"Better do it, boys," came the heavy tones of the bartender from behind them.

The older man looked over his shoulder, and into the twin muzzles of a double-barreled, sawed off shotgun. He cursed and his partner took his look, forgetting to finish his insult. When they returned their gaze to the sheriff, they discovered themselves staring down at the very steady barrel of a leveled six-gun.

"On the bar, boys. Belts and guns," Dermody ordered calmly.

"The damage'll be about twenty dollars—and that's cheap, 'cause it means a new mirror for nearly half the length of the bar," the bartender put in.

Then the two cursed again. The older swore they didn't have that much money on them. Holt Dermody jerked his head toward the door, stepping aside, the order to precede him to the jail very apparent.

"I ain't goin' to no stinkin' calaboose," the youngster with the long hair protested.

His partner said, "Better run over

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and see Hugh, Olly," then, to the marshal, "Our boss. He'll stake us," he explained.

Again Dermody jerked his head toward the door. "Get goin' kid. And remember, if you ain't back in ten minutes, your partner goes to jail and I'll come after you."

With a quick glance that was pure, blue hate, the one called Olly hurried out of the Tarantula and turned toward the hotel. He was back in eight minutes, his face red and twisted. It was evident that his boss had had a word or two for him. He slammed a double-eagle on the bar.

Dermody looked at the bartender. "Okay, Lou?" he asked.

"Sure. And the drinks are on the house," the apron said affably.

"T' hell with you! And for you, tin-star," the youth snapped. "When th' boys get here we'll tear—"

"Shut up, Olly. You talk too damned much," his partner interrupted. "Let's get out of here."

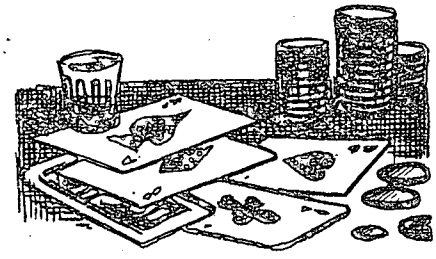
At the door the little wasp stopped and turned back. "You'll never dehorn me again, tin star. But I hope you try," and he disappeared through the saloon's gates.

The affability was gone from the bartender's face when Holt turned after watching the pair cross the street to another saloon.

"What'd he mean—'when th' boys get here?'" he asked, a shade of apprehension in his voice.

Dermody shrugged his shoulders. "Maybe a return to the old days, and a fresh job of town taming to be done," and he turned again to the door while the bartender talked to himself as he wiped the bar and swept broken glass into a dust-pan.

IT WAS comparatively quiet that night along the tree-lined streets of the little town at the foot of the Folded Hills. A few punchers from ranches back of the hills rode in and had their drinks, played some poker, and rode out again before midnight. A wagon with three men whom Holt had never seen before, who looked like artisans of some kind rather than punchers, and who wore no guns, drove up to the Aspen Grove Mercantile Co., and bought a big load of supplies, then immediately drove out of town northwestward. The town drunk went on his weekly spree, started yowling in the center of Front Street, and had to be put in a cell for sobering.



Holt Dermody, in his periodical rounds, twice saw the pair he'd disarmed, but they were making no further trouble, and were patently avoiding him. They disappeared into the hotel a little before eleven o'clock and did not show up again during the dark hours. A half hour later, Holt went into the hotel and looked at the register and saw the names "Frake Durkey" and "Olly Rosen" newly inscribed. Frake Durkey, he figured, would be the larger and older of the two, who had called his partner, "Olly", and the little scorpion who fancied his gun skill would be Olly Rosen. Frake had sent Olly to "Hugh" to side them, and the name of the prosperous appearing newcomer was Hugh Packard.

He saw the tough pair again at four o'clock, when the first light in the eastern sky announced the approach of dawn. They came out of the hotel rubbing their eyes, and crossed the street to an all-night, short-order restaurant. When they left they went to the livery stable at the end of the street. A few minutes later they rode down to where Dermody was leaning against the support of the wooden awning in front of the Tarantula, swung their horses to the tie-rail, and dismounted. The larger man walked

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up to the marshal and said, quietly enough, "We're riding out. We want our guns."

Holt nodded, gestured to the saloon door, and followed them in, where the bartender was swamping out the big room preparatory to opening the establishment for the day.

"They're leaving, Lou. Give 'em their hardware," he said.

The bartender took the belts and guns from a shelf below the back-bar and shoved them across the counter.

"No offense, boys. Have that drink on the house now?" he invited.

Young Rosen started to say something but checked it when he saw his partner nod. Frake Durkey downed his drink, banged the glass on the bar without acknowledging the peace offer, and turned toward the door. Olly followed suit and hurried to catch up to his partner. Holt pushed into the street, watched them mount, turn westward down a side street and head out toward the open plain south of the hills. He walked back into the Tarantula.

"You better develop eyes in the back of your skull, Holt. Them tough waddies won't forget, and they won't ever stop tryin' to get even," the bartender said a little anxiously.

"They headed west, along the base of the hills. Why?"

The bartender shrugged. "Maybe it means something, but I dunno what."

"I'd like to know," the marshal murmered as he turned and left the saloon.

At six o'clock his relief was in the office and Holt Dermody made his report of the night's events, then went to a restaurant.

THE MORNING stage was in with the day's mail, so Holt headed for the post office.

As he stepped into the little room with its wire partition and its wall of small boxes, a young woman looked up from the sack of mail she had just emptied on the wide shelf behind the wicket. Her brown eyes lighted and there was a quick smile for the marshal.

"You always come before I've fairly got my eyes open, Holt. And you always come before the mail is sorted," she accused in a bantering voice.

A trace of a smile softened the strong features of the marshal

"Didn't come for mail, Helen, just for your smile. Rememberin' it always gives me a warm feeling just when I'm droppin' off to sleep."

"What a nice compliment. You're improving, marshal," she said quickly, as if trying to divert attention from the faint flush that had come to her cheeks.

"Would that mean that maybe you'd consider taking a ride with me this afternoon? Might be we'll see something interesting," he asked quietly.

She nodded. "Of course. Are you taking a day or two off? Will it be another of those good trips, with me staying at the Herring Ranch? I like Mrs. Herring. And their young son, Jick, who's looking after your little herd, is a darling. Something new to show me at your own ranch?"

Holt Dermody shook his head slowly. "Not this time, Helen. I don't reckon it'd be wise for me to get too far from Aspen Grove for the next few days. I might be needed. I'll be on hand when you're off duty," and he returned his stetson to his head and walked toward the door.

He did not see the puzzled expression on the girl's face and the quick concern that followed it.

At a half hour past noon Holt Dermody awoke automatically in his little room at the hotel. He washed, shaved, and dressed a little more carefully than usual. After a quick lunch at the nearest restaurant, he started for the livery stable at the upper end of town. A horseman, entering Aspen Grove from the north and leading a pack horse, immediately swung to the sidewalk and dismounted when he saw the marshal. Holt turned to meet him.

"Hey, Link!" Dermody greeted.

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"Why the pack horse? Your wagon break down?"

Link Herring cursed, then asked questions of his own.

"Something queer's going on around this range, and in the Folded Hills. What is it? I was harnessing up about mid-morning for a trip to town for supplies when a couple of tough jaspers rode up and asked where I was going. When I told 'em th' big one put on a look of surprise and said he didn't know there was a road through the Folded Hills.

"I told him there wasn't, that I used the plain at the foot of the hills. Then the kid with him said, 'You don't any more. That's the new HP Connected spread and she's closed to trespassers.' Then the big one suggested that maybe I could use a pack horse, that he'd heard there was a trail along the backbone of the Hills. He said they's been sent to warn me so I wouldn't get into trouble. And then he handed me this," and the man drew a folded piece of paper from his pocket and passed it to the marshal.

Dermody read, "Friend: It will be to your advantage and profit to call on me tonight not later than seven o'clock at room No. 201 in the Cattleman's Hotel." It was signed, "Hugh T. Packard."

The marshal passed the paper back, remarking, "And the new ranch carries his initials, the HP Connected."

"What's it mean?" Dermody's ranch neighbor demanded again. "After they left me unharnessing the team they rode on west, heading into your range, and I ain't seen them since."

Holt Dermody shook his head slowly. "I don't know what it means, but I'm beginning to get a few hunches. One of them is that I'll get a note something like this. I'm going to follow its suggestion. Maybe you'd better do that, too."

The lanky rancher smiled suddenly. "I'm going to; I sure want to learn about anything that'll be to my advantage and profit. Ma don't expect me back until morning anyway. And say, Holt, you ain't been out to your place for a couple of weeks and the kid reports a dozen new calves, all doin' fine. You sure've had a fine calf drop this spring. Might be by fall it'd pay to make a beef round-up at the same time as me."

"And where would we drive them to?" the marshal asked.

Herring stared, then suddenly got the point.

"You mean that HP Connected would refuse our drive passage over their range to get to market?"

"They might—with six-guns."

"Well, by Gawd, we ain't goin' to be bottled up, and you can bet on that. If six-guns can close the trail, six-guns can open it," Herring bawled.

Dermody nodded. "Might come to that. Might be another way, too. See you later, Link," and he walked on toward the stables.

2

IT WAS A little after one when he rode up to the widow Olds' big house. A clean-limbed sorrel was tied to one of the aspens bordering the walk and as he reined in, the house door opened and Helen Wayne, in riding skirt and tan blouse, ran lightly down the path. She was carrying a wicker basket. She handed it up to him and he hooked the handles over his saddle horn.

"A little lunch," she explained. "We'll be hungry after riding the Hills."

"Had a hunch, so I ate a light breakfast," he grinned. "Keep you waiting long?"

She shook her head as she freed the reins.

"Not at all. I was just finishing packing that lunch. Do we take the hill trail this time?"

"I thought it might be a good idea,"

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Dermody replied a trifle soberly as she swung lightly into the saddle.

Reining her horse around, she glanced at him sharply, but could read nothing from his impassive features. They traveled northward out of Aspen Grove, followed the road for a mile, then rode westward toward the slant of the first of the wooded hills, slowing their gait to a walk up the long incline. At the crest of this highest of the most southeastern of the Hills, Holt Dermody turned sharply to the left and halted at the edge of the first trees for the look he always took from this fine observation spot. The girl swung in behind, her intent gaze on the man before her, rather than on the familiar view.

Far to the west, the terrain rose gradually to a mile wide pass through which flowed Poplar River, watering the range below, but sinking from sight in the sand almost as soon as it reached the line of desert. It was in the fertile valleys behind that pass that Holt Dermody and Link Herring had their little ranches.

And down below them, where the foot of the Folded Hills, the waterless desert, and the rich grasslands met, was the peaceful, tree-shaded little town of Aspen Grove they had just left, its three windmills turning lazily in the dawn breeze, the whiteness of its huge water-tank, on spidery legs, rendered almost dazzling in the light of the early morning sun.

As she watched her companion, Helen Wayne saw the marshal stiffen slightly as he stared westward. She looked in the direction of his gaze, but all she could distinguish was a dark haziness above the pass. Then she saw the two riders, half way between the desert and the distant pass. Dermody said nothing, but his gaze gradually swung southward and again became intent. This time there was no doubt about what he was watching.

At the very eastern edge of the Rim, what appeared to be a great yellow cloud was rising high in the air. She knew it for dust, a huge column that extended above the tops of the cliffs.

"There must be a big blow off there," she suggested, watching the cloud.

"No blow. That cloud above the cliffs'd be driven away if there was," Holt answered quietly.

"But what could it be?" she asked, her interest heightening.

"We should know for sure when we head back. If my hunch is correct, it'll be closer then," and he turned his mount, leading the way along the faint trail through the timber.

They rode for a mile without speaking. The girl seemed to be studying her companion, while Holt Dermody was immersed in his own somber thoughts. Finally, trying to strike a light note, she rode alongside Holt and said:

"I had another invitation to go riding today, another invitation to see something interesting, but yours came first, of course, so I had to turn it down, attractive as it might have been."

That jarred the marshal out of his reverie. He looked at her sharply and waited. She continued, but in a more sober mood.

"You'd better learn of it from me rather than from some gossip in town, I guess. This newcomer, Hugh Packard, came into the post office for mail and introduced himself. He seemed, quite suddenly, to be very interested—altogether too interested; he asked me to go riding with him this afternoon, saying that he had something to show me just inside the hills, something he was beginning to

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suspect might really mean something big for me before long. He was too cordial, and beneath his cordiality there seemed to be a note of command, as if he weren't used to having his invitations turned down and didn't intend to have this one refused. He did get it refused, though, and curtly. He was startled for a moment, then showed his three gold teeth in a grin and stated he felt sure I wouldn't refuse when he asked me again, in about a week. I don't like it, Holt. And I don't like him. He gave me the impression that he is a dangerous man to cross."

THOUGH SHE had turned her head to the trail, she was conscious of Holt Dermody's eyes on her, and of the tension in his big, square body. When she finished, there was no sound for almost a minute. Finally his voice came, quiet and unemotional as ever.

"Don't let it worry you, Helen. He said you had a week. Maybe he won't be so dangerous by that time."

She looked quickly at him then, awaiting some explanation. Instead of going on, he turned his mount northward around a deep bay in the hills. She noted now that he constantly tilted his head as if listening for something, or trying to identify some sound that was faint and that the movement of their horses and the creaking of the gear prevented him from hearing clearly. Finally the trail curved westward once more. Ahead was a thinning of the trees, which seemed more open than it had been when she had ridden this way before, and she could see queer little yellow spots on both sides of the trail.

Abruptly, Dermody halted his horse, holding up his hand. She checked her pony and then heard clearly the sounds he had evidently been listening to for some time; the pound of hammers, the ringing strokes of axes, an occasional shout, and once the crash as a tree fell to the ground.

"Uh-huh. So this is where it is—where that wagon load of supplies went last night," she heard her companion say to himself.

He continued, turning to face her. "We'll swing around through the trees behind that cutting. Reckon they're through logging up this high, but it's just as well not to advertise ourselves. There's a spot around the bend where there was a wash-out last winter and we'll be able to see from there," and once more he put steel to his horse before she could ask any questions.

One question was answered, as she followed the marshal. She saw why the place seemed more open, and was able to distinguish the yellow spots. They were the stumps of hundreds of trees that had been felled on the slopes and crest of this section of the Folded Hills. Her companion's course took them rather deep into the woods before he turned westward and finally southward. He halted where the woods thinned, stopping so that they were partially concealed behind the last of the trees. His gesture, as she reined alongside, sent her glance down into the deep and wide pocket.

"There's th' interesting sight I wanted to show you—the same one, I reckon, that Mr. Hugh Packard said might mean something big for you before long," he remarked drily.

The girl gasped audibly as she looked. A huge cabin of pealed logs, already nearly completed, with men nailing on the roofing, was in the center of the bay. Behind it, three logs high, were the outlines of what was probably to be a bunk house. Other men, a little further away, were completing the laying of sill logs for what could be a barn. Others were digging holes and setting posts for a big corral. Still others were hauling logs to a spot where a cook camp and dining hall would be erected. And over at the edge of the pocket were a number of big, dirty gray tents, the homes and dining quarters of the swarm of ant-like workers below.

"Hugh Packard's headquarters," the marshal explained quietly. "Shall we ride on to our usual lunch site?"

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She nodded without speaking, and again they rode in silence, Dermody thoughtful, the girl fighting a fear that was growing within her, a fear of the forceful and powerful Hugh Packard, and the hot interest she had seen in his eyes when he had first met her.

For a half hour they continued westward along the faint trail that followed the contours of the Folded Hills until at last, in a wooded little valley, they turned off the trail into a small glade with a cold spring at one edge, and a floor of thick, rank grass. Here, on their first ride together, Holt had built a small fireplace of stones. They dismounted, threw the reins, and the marshal unhooked the wicker basket from his saddle horn. The girl took it, smiling and trying to bring a lighter, more carefree touch to a picnic that had so far been much too somber.

"Something special, Mister," she said. "You start the fire and get the coffee going, and I'll unpack and lay out the cups and plates. Mrs. Olds, when she found you were taking me out, swore you never got a good meal eating at restaurants, and she was going to see that something was done about it. She killed and fried two chickens and made them into the most luscious sandwiches you ever sank a tooth into. And there's dried apple pie, too."

Dermody answered her smile with his own small one, but his voice carried a note of pleased eagerness.

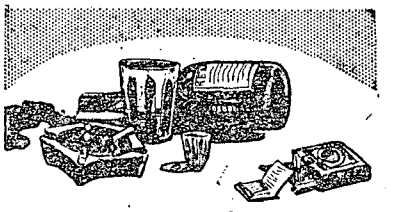
"Gimme the coffee and that pot, girl," he ordered with mock severity. "We're wastin' time."

HOLT DERMODY bent his head to the task of rolling a cigarette. The plates, cups, and coffee pot were washed and stowed away. The girl sat facing him in front of the fireplace, watching him with dawning apprehension as she sensed what was coming. The marshal reached for a glowing stick, ignited the cigarette, inhaled, and blew out a cloud of smoke, still without looking at her. She spoke suddenly.

"Don't Holt" she cried. "I've an idea what you're going to say—to ask. I—I'm not ready—yet—to give you—an answer."

Dermody looked down at his cigarette.

"I reckon I got to take my chance," he said quietly. "Some things are coming to a head mighty fast, and I'd like to know what's in front of me—in the future. You've known for nearly a year, I think, how I feel about you. It's a slow, deep fire that won't ever go out, Helen. Something that's become a part of me. I'm—I'm asking you to marry me," he finished, his voice so low that she barely heard the words.



Then he looked up, straight into her deep and expressive eyes, his gaze strained in indication of how much her answer meant to him, trying to read that answer before she spoke. He saw pain there, and something deeper that he could not fathom, and he saw his answer. He looked down, mashed out the cigarette, and started to get to his feet.

"Let's go," he said heavily.

"Wait! Wait, Holt! You don't understand. I know you don't. Can't you listen to me, let me try to make you understand, to see my viewpoint?"

He settled back, looking at her with eyes that were slightly less sick. She leaned forward, her voice earnest, her eyes pleading for understanding.

"I'm fond of you, Holt. You must know that. More fond than I've ever been of any other man—more, perhaps, than I, myself, really know. I've seen this coming and I've tried to use my head, and not let my heart govern my mind. Your profession, that's what's between us. Your work. Every night you prowl the streets ready with

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your gun to stop trouble, exposing yourself to every blood-hungry gunfighter who wants to add to his reputation. I've heard how you tamed Aspen Grove, made it safe for law-abiding citizens. But now there's been turbulence in the air the last day or two, and I've a feeling shared by the whole town that the old days of gunsmoke, violent death, murder, are coming back. If we were married do you think I could ever be happy—could ever sleep nights—when I knew you were in constant danger from a shot in the back? I heard a gun shot last night, and didn't go to sleep for two hours, wondering and worrying. I want to be a wife with the prospect of a happy future ahead, not a potential widow before the echo of the vows has died."

She halted, breathless, watching him. He remained silent for a long moment. Finally he began to speak slowly.

"I've seen this town when it was on the Texas Trail in the early days—in its worst days—and lived through that, and through the eight years since then. Even though a little trouble may be shaping up now, there's no reason to believe that I won't see it—"

"A 'little trouble'?" she broke in sharply, almost hysterically. "I've heard the talk in town. Oh, Holt, you've a tight little ranch up there to the west. Why can't you resign and move to it? You plan to do it sometime, or you wouldn't have it. I'd love that, even through what might be lean years at the start. Why not ride right back with me this afternoon and make the change?" she finished eagerly, searching his rugged face with anxious eyes.

He shook his head slowly, regretfully. "Just when trouble is coming? Aspen Grove has been good to me. And it's depending on me. I owe it much. But I owe myself even more. If I did what you suggest, I'd never be able to look into a mirror again. I took my chance, and got my answer. Knowing you, I don't reckon you'll ever change. Let's go," he finished, and started to get up.

3

SHE AROSE slowly, and suddenly he flung out a hand. "Wait," he said tersely. "Somebody comin' fast," and he moved to the edge of the glade and stared westward up the trail.

In a moment she could hear the drumming of hoofs. Then, as they drew closer, his call went out.

"In here, Jick. What's up?"

Young Jick Herring swung his horse into the glade and slid to the ground, facing the marshal, his eyes afire, his breathing labored. He didn't even glance toward the startled girl.

"They—those two—damned—sidewinders, who rode by our place this morning. They fired your cabin. When I saw the smoke I rode over there fast, but it was too late. Only the burnin' sill logs was left. And they tore down your corral and burned your little barn, too. They was already far down th' pass when I saw them."

By the time the lad had finished some of the hardness had left the marshal's face.

"Thank you, Jick. You're a good lad. I saw the smoke, and suspected what was happening. I also saw the two riding the plain toward town. Now, you head for home and stay with your mother and sister. Your dad's staying the night in town and there's got to be a man at the ranch."

"But—but ain't you—" the boy began.

"I'll take care of those waddies," Holt said quietly. "Now give your horse a short drink and start ridin' back. Take it easy, though. No use ruining a good horse. You'll get there about dark. And remember—your dad

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and me're both dependin' on you."

The lad, staring up at the marshal, stiffened slightly, pride coming into his bearing.

"You—can—you can depend on me," he said earnestly.

"I know it," Holt returned quietly, and the boy led his tired pony toward the spring.

As the two passed out of the glade on the homeward trail, Dermody turned toward the girl and there was a faint touch of irony in his voice.

"I ain't even got a home to take you to now, Helen. You made a wise decision."

"Don't say that," she cried in quick protest. "I'd gladly live in a tent if you—but what's the use," she finished in a lower, despairing tone.

They rode at a faster pace and halted only when they had reached the edge of the timber on the top of the hill above the town. Here again Holt turned for his look over the country below. The girl, reining up beside him, gave an audible gasp.

The dust cloud they had seen in the distance a few hours before was closer, broader and they could almost see movement beneath it. It seemed to be swinging westward.

"Why," Helen cried, straining forward as if to sharpen her eye-sight. "Isn't that something moving out there ahead of the dust. It looks like a moving snake, or a string."

"It is, a string of cattle. Hugh T. Packard's cattle. Those you see have reached the grass and they're not raising so much dust, and some more of what you see moving is tough trail drivers bringing the herd in."

"There must be thousands of them," the girl cried again.

Dermody nodded. "About three to five thousand, at a guess," he said, and headed down the slope toward Aspen Grove.

In town they rode around to the back of the widow Olds' house, where a three stall stable had been built to accommodate those of her roomers who had horses of their own. Holt Dermody quickly unsaddled and rubbed down the pony, then turned to the waiting girl.

"Helen," he asked gravely, "will you do something for me?"

"Of course, Holt. You know I will. What is it?" she replied instantly.

"Please, for the next few nights at least, stay off the streets after dark."

Her eyes widened. "But why? It should be perfectly safe for a woman, and—"

"It'll be nothing of the kind—not with that gang of Texans, or Arizonans, or wherever they come from, turned loose on Aspen Grove after probably two months pounding leather and eating trail dust," he replied in the sharpest tone she could recall ever having been used on her.

She nodded and said slowly, "All right, Holt. I'll stay home. And—and Holt," she came forward and step and put a hand on his arm. "I'm so—so very sorry about—"

She felt the big muscles in his arm bunch and harden. "It's all right, little girl. I'm beginning to understand how you feel. You're right about constant worry. I've a touch of it myself. That's why I asked you to stay inside at night," he said in a voice held sternly level.

He turned and walked quickly to his own horse waiting in the alley, and wasn't sure he didn't hear a very faint sob behind him.

MARSHAL Holt Dermody returned his mount to the town stables, and walked thoughtfully down Front Street. He met the day marshal making his last round. Ed Harper stepped in front of him.

"Town's been quiet as boothill all day, and that ain't good. There's a feeling in the air—like the dead quiet before a twister hits. I got a hunch that quiet, peaceful Aspen Grove's goin' to have a return to hell."

Dermody nodded. "Got the same hunch, Ed. Maybe you better sleep with your boots on tonight."

"Sleep! I'm stayin up an' I'll sure

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be right behind you if anything breaks. By th' way, there's an envelope for you on the desk. Th' bellhop at the Cattleman's brought it over early this afternoon."

Again Dermody nodded. "Thought there might be. Now I'm goin' to call on the mayor. Might have news for you when I take over this evening."

"What sort of news? Don't be so damned mysterious, Holt," Harper demanded a little testily.

Holt grinned slightly. "New and maybe not so easy duties for you an' me. See you later," and he crossed the street to a covered stairway that angled up the side of the Aspen Grove Hardware Store.

A window above the store bore the legend, *"Wm. Shave, Attorney-at-law."* Entering the corridor at the top of the stairway, Holt Dermody turned toward the front of the building and the door at the corridor's end, bearing on its glass panel the same legend as the front window. He rapped and a sharp voice immediately invited him in.

The man at the flat-topped desk swung around as the marshal closed the door. He was a young man, with clean-cut features and a pair of the sharpest eyes Dermody had ever seen. The broad, high brow, backed the impression of quick intelligence suggested by the alert eyes. There were already indications that district attorney would be the next, and but one of many political steps for Wm. Shave.

"Well, Holt, this's a surprise. Don't tell me you need legal advice?"

The marshal shook his head. "I'm callin' on th' mayor this time, not the lawyer. Bill, can you get the town council together before suppertime?"

The lawyer straightened a little, his gaze sharpening. "Something to do with this new ranch, the HP Connected? And with its owner? I've been doing a little investigating of Mr. Hugh Packard on the quiet for the past couple of months. Got interested in his activities when he first showed up here. And I've acquired some very interesting data."

"Not with Packard, primarily. With a bunch of probably thirty wild trail hands who'll hit town maybe with Packard's instructions. I think we need immediate orders to enforce it."

He paused and the lawyer waited expectantly. Holt Dermody remained silent for a moment, staring at the steel engraving of Abraham Lincoln on the wall above the attorney's roll-top desk. Finally he looked down at the mayor and, in one, single, clipped sentence told what he wanted.

Shave let out a low whistle. "That should have been enacted years ago," he agreed. "But, then, it's not been needed for years. Your new orders will be on your desk within the hour, I'm confident," and he arose and reached for his stetson atop the desk behind him.

Suddenly he turned, checking Dermody at the door.

"It occurs to me you might have trouble enforcing those orders, Holt. And they've *got* to be enforced. One man—not even you with your wide reputation—can do it if there's open rebellion. Making a martyr of yourself will only make matters worse. You thought of that?"

Holt nodded. "I've thought of it," he returned quietly. "And I don't aim to be a martyr. Think I've got the answer, too—with the town's help. I'll probably send Ed Harper over with it later."

"You can count on the solid citizens of Aspen Grove. You know that. Good luck," Shave replied quietly and earnestly.

Down on Front Street, Holt Der-

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mody's manner as he walked along was as casual as it usually was when making his rounds of the quiet town at night, but beneath the brim of his stetson his sharp probing glances missed nothing. Not once on his way to his favorite small restaurant did he catch a glimpse of either the lanky,] d-bitten Frake Durkey, or the restless, unpredictable little wasp, Olly Rosen. He wasn't forgetting the burning of his cabin and barn, but he was trying hard not to let the wanton destruction influence his attitude as an officer of the peace in Aspen Grove.

He ate a light meal, then walked to the office.

Ed Harper was waiting for him. "Two envelopes for you now, Holt. Bill Shave brought in the latest one not more'n five minutes ago," and he held out a long, legal looking envelope, and a small one with the name, "Mr. Holt Dermody," written on its face in precise, even characters.

Holt slit the larger envelope, took out the sheet, and read the short note, then handed it across to his assistant.

"Mighty fast work and cooperation. Orders cover you, too, Ed."

Harper read it through, whistled in astonishment, then read it again.

"Holy sacred cow!" he breathed. "So that's what you had in mind."

Dermody looked up from the second note he was reading and said, "What?"

Harper shook the paper he held. "This's th' wild idea you had. I'm goin' out and order a couple of coffins right now. I want to choose th' kind of a bed I'm goin' to be lyin' in come morning."

Dermody grinned slightly. "Might not come to that—if you don't loose your head. I got other ideas. Let's sit down and talk them over," and he walked around the desk to a swivel chair closer to Harper and began a quick, low summation of all he'd seen, heard, and deduced, and of what he considered the best way to meet an approaching crisis with some hope of success. Before he had finished Harper was breathing easier and was almost enthusiastic.

"They won't all be like Durkey and Rosen. Most of 'em'll be just wild kids without meanness, but full of vinegar and under pressure to blow off steam. They could be made to listen to reason," Holt Dermody finished.

"Could work out, at that," Harper finally agreed.

"It's got to," Dermody said flatly. "Now if you'll run over and tell Bill Shave our plans, then take over for me just before seven, it'll help. I've got a business engagement to keep with Mr. Hugh T. Packard. That's this other note you gave me. It shouldn't take long."

Harper looked at him sharply, but didn't ask any questions.

He said, "Sure! Sure! I'll tell Bill and he'll do his share. And I'm on duty from now till daylight. Sneaked a nap this afternoon so I ain't a bit tired."

MARSHAL Holt Dermody met his ranch neighbor, Link Herring, in the lobby of the hotel.

"I'll follow your lead, Holt. You got a level head," Herring said thoughtfully. "But this idea of anything Packard has to offer bein' to our 'advantage and profit' is just so much sheep dip. He's been around today and I been studyin' him. He ain't givin' away nothing."

Holt rapped on the door of No. 201 and a crisp voice invited them to enter.

Hugh Packard was seated in an arm chair with his back to the window. A big man without fat, with hands carefully manicured but hairy to the second knuckles of the fingers, and with a long, hard-set jaw, high-arched nose, and narrow, triangular eyes set too close together, he gave an impression of ruthless arrogance. It was evident that he tried to soften this impression with the thin-lipped smile and the assumption of a heartiness that was, however, without the slightest depth.

"Sit down, gentlemen, and we'll get

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right down to business, after which we'll have something special in the way of refreshments I've ordered from the manager of the hotel."

Link Herring moved a little awkwardly and uncertainly to a chair and seated himself facing Packard. Holt Dermody, without any change of expression on his square features, likewise took a chair—one facing the rancher but also keeping a connecting door to an adjoining room within his line of sight. He looked at Packard with a steady, unwinking stare. Packard seemed to be slightly disturbed by this attitude and his voice took on the faintest suggestion of an edge.

"As you both probably know by now, I've acquired the vast plain of fine and fertile grazing land between the Rim and the Folded Hills. But I've learned something that has me worried—a fact that explains why you gentlemen homesteaded and proved-up on your two ranches just beyond the pass where the Poplar River comes down, and did not pick the wide plain. I've learned that during the hot months of July and August that river, which gives you constant and unfailing water, becomes shorter, disappearing into the porous soil farther and farther back until what is desert out there creeps in nearly three quarters of the way to the pass."

He paused and stared hard at Dermody, sensing the unspoken thought in the marshal's faint half-smile.

"You learned that at the land office several months ago, on your first visit to this country, but you went ahead with your scheme just the same. Even then, you saw the solution—so you thought," Dermody said quietly.

Packard's jaw moved forward a trifle and his eyes took on a glint of suppresssed anger. He waited a moment, as if considering the advisability of denying the marshal's charge. Then, his aggressive nature governing, he met the challenge.

"All right, I did. I've got to have graze for my stock during the late summer and fall, and only your ranges will afford it. I'm prepared to make you handsome offers for your ranches, offers that you cannot afford to turn down," and he reached into an inner pocket of the black frock coat and withdrew two envelopes.

"One that will include the destruction of my barn, ranch-house, corrals and all the equipment in them?" Dermody asked quietly.

Packard jerked at that. "What do you mean?" he snapped.

"I got word today that your two gun-slicks set fire to the buildings and tore down the corrals about noon today. Also, I saw the smoke and I saw them riding toward town shortly afterward."

"Well, by Gawd! That about ties it up," the rancher, Link Herring, breathed, awkwardness and uncertainty disappearing.

Packard, on the other hand, cursed. "Those two damned rattle-brains," and then he paused staring speculatively at Dermody.

"But I've heard you had a quarrel with them, so that's a personal matter between you and them, and you'll have to settle with them."

"I intend to," Holt returned quietly.

"Fair enough," and there seemed to be some secret satisfaction in the rancher's manner, as if he knew the capacities of his two gun-swifts.

"Now here are my offers, in writing," he went on. "Before you look at them it might be advisable to remind you that if you do not take advantage of them, you'll still have your ranches and cattle, but your cattle will stay on those ranches until they die and rot."

"MEANING that you'll allow no trail herd to cross HP Connected land on its way to the railroad?" Herring stated thinly, already knowing the answer.

"Exactly!" the big man snapped.

Holt turned to his companion. "Don't let that worry you too much, Link. I know of another trail, through what appears to be a blind canyon, and then through the Hills. It's longer,

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harder, and 'll take a little weight off the cattle, but it's usable."

"What!" Packard half yelled, leaning forward. "My boys scoured both your ranges and they didn't see—"

"They didn't know where to look," Holt broke in imperturbably. "It's there, after a few charges of dynamite open it up. But there's another way out for you, Packard—the sinking of wells and windmills on the plain. It'll take money but it'll give you constant water," he continued quietly, almost persuasively.

Packard's hand slashed down in a savage gesture. "Rot! I'd need twenty or thirty wells and it'd cost more in time and money than I'll even consider putting out. I've already put more into this deal than I intended. And besides, those windmills would be pumping up sand within six weeks. After the river fails the water table would lower just as fast."

"It hasn't in Aspen Grove, and this town's nearer the desert than most of your range. Our windmills never fail to give an abundant supply of water throughout the entire year," Dermody answered still calmly.

"Well, I'm not taking a chance, and I'm not spending that much money. Here are my offers, and I want immediate answers from both of you. But a word of caution first. I get what I want—always have. Don't make me take other measures by refusing these fair offers," and he leaned forward and handed an envelope each to the marshal and Link Herring.

Dermody took his, but did not look at it. He kept his gaze on Packard, but he heard the tearing sound as Herring opened his envelope. Then he heard his neighbor's curse.

"Why, you damned tin-horn. This wouldn't even pay for the work and money I've put in my ranch buildings," the small rancher cried.

Holt Dermody slowly and deliberately tore his envelope and its contents across, re-tore them twice more, and let the pieces drop to the floor as he stood up.

"I reckon this ends the interview. You can keep your refreshments," he said and stood up.

At the expression on Hugh Packard's face the marshal shifted so that he could see both the connecting door to the adjoining room, and the one to the corridor. The big rancher seemed almost ready to explode with internal heat and pressure. His thin lips were bloodless, pressed into a tight, knife-slash of a line. His face was beet-red beneath its mahogany coloring, his nostrils distended, and his eyes narrowed to slits through which could be caught a suggestion of the hot fires of hell. He remained motionless for a long moment, fighting inwardly for self-control, then drew in a slow breath.

Herring had dashed his written offer to the floor and was at the door. Holt Dermody backed in that direction, then stopped and waited for the explosion from Packard. It did not come. Instead he released the breath and his words, cold, precise, and deadly in tone, could barely be heard across the room.

"I was prepared to dicker. I'm not now. You two've made your choices, and you will take the consequences."

Some imp of perversity Holt Der-

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mody did not know he possessed brought that faint suggestion of a smile to his lips.

"'And may God have mercy on our souls?'" he finished for Packard on a rising note of interrogation.

He turned and walked out, followed by Herring who was now chuckling and cursing in the same breath. Halfway to the stairs leading down to the lobby, they heard Packard's half roar.

"Frake, Olly, come in here," followed by the opening and closing of a door.

By the time they reached the lobby Herring's anger had become less of an all-absorbing emotion. He'd begun to think, and he was very quiet. Finally, as they reached the street, he spoke thoughtfully.

"Holt, I've a wife and family. Maybe we should have dickered."

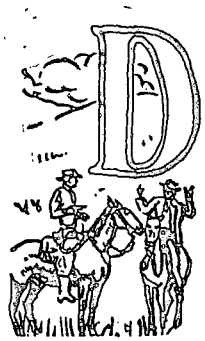
"You'd have had to sell your range and cattle and gone to new country without enough to stock a new range, if you'd tried to dicker. Packard counted on intimidation. Now he counts on annihilation, but his figurin's crooked. Now, then, there's more to do tonight. You go right over to Bill Shave's office. He'll be waiting there. Tell him exactly what happened."

He paused, head tilted slightly to one side, and turned to look down a passageway to the alley behind the hotel. A rider flashed past the far end of that opening and the pound of a running horse came to them. He listened a moment longer as the hoofbeats died away beyond the southwestern end of town, then he swung around and called back Link Herring, who had already started across the street.

"Tell Shave, also, that I said to go ahead with the next move pronto, that a rider who looked like little Olly Rosen just headed out of town going south fast. He'll understand and explain the plans to you."

Herring stared at him, saw that no further information would be forthcoming, and again headed with long strides across the street toward the lawyer's office.

4



DUSK HAD been succeeded by darkness and an anomoly was evident along Front Street. Every light in every building was on, yet there was scarcely a pedestrian on the street. Only the still figure of the day marshal remained in the open, leaning against a support of the Tarantula's wooden awning. Then a heavy man emerged from the hotel, a lighted cigar in his mouth, and took a seat in one of the easy chairs on the veranda, rocking slowly, puffing his cigar contentedly.

A moment later the slim, spruce, alert figure of the town's mayor, Wm. Shave, appeared and took a chair at the side of the hotel entrance opposite Hugh Packard. The night marshal crossed the upper end of the street and walked with his slow, deliberate gait toward the hotel and the Tarantula just south of it.

As he moved, Holt Dermody's eyes shifted constantly. He'd looked across at the hotel and the buildings from the other side of the street; and now he was examining the upper windows, the flat roofs, the doorways and openings between buildings along the walk he'd just left. The fact that Packard, in his hotel room, had called for both Olly Rosen and Frake Durkey when his offer had been rejected, and that only Olly Rosen had ridden out of town, was constantly in his mind. He had not seen Durkey either before or after that interview.

Ahead of him, flares from in front of the Tarantula and a large saloon on the opposite side, threw a great patch of yellow glow entirely across Front Street. Other sections of the street were dark and the sidewalks plainly visible only where there were lighted

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windows. Dermody sauntered past the hotel, nodding impersonally to the two figures on the veranda. Beyond the Tarantula was a patch of flat darkness where a small shack had burned down sometime before. A yellow dog came out of this vacant, weed-grown lot and started down the walk ahead of Holt Dermody.

Holt glanced along the open lot toward the next street and saw the lighted windows of the widow Olds' house. He noted that a second story, corner window was dark, the window of Helen Wayne's room. But his sharp eyes detected someone standing there, looking toward the street.

And then his attention was instantly caught by the actions of the dog. It had passed the saddle shop next to the open lot and turned toward the passageway between the shop and the next building, its ears cocked forward inquiringly as it moved to the opening. Suddenly, and for no apparent reason, it gave a yip and shot across the street with its tail between its legs.

And then from somewhere far down the street, at the southern edge of town there came a long, high, shrill whistle. Holt Dermody stiffened slightly as he heard the signal, but did not change his gait. He had reached the southern corner of the Tarantula. In the shadow beneath the awning, he paused to roll a cigarette. As the match flared and was touched to the tip of the cigarette, a distant murmur began to grow rapidly louder. The marshal took a couple of drags at the cigarette, then dropped it to the walk, stepping on it.

The murmur had risen to the sound of galloping horses. A moment later shrill yells and the popping of six-guns split the night from south of town. Dermody turned and walked with his deliberate stride to the middle of the street, and directly into the glow of the yellow light thrown by the flares of the two saloons facing each other.

There were more yells, and more shots, and the flashes of the guns could be seen lancing skyward above a dark, madly riding mass of horsemen charging down the middle of the street. Marshal Holt Dermody remained motionless, alone, in the center of the patch of light, until the charging trail drivers, bent on tearing Aspen Grove apart, were less than a hundred yards from him. Then, in an almost dramatic move, he threw up his arms and began to speak in a calm and carrying voice.

"Boys, we want you to have all the fun the town allows. But there is one restriction—a law just passed. My deputy and me have orders to enforce it. All damages will be paid for by the one who causes them. And the new law, providing for the protection of yourselves as well as the townspeople, states that all persons entering town will deposit their artillery with the marshal until they are ready to leave town. It will then be returned to them at the office of the marshal. So, just shuck your hardware and the deputy will collect it."

Someone let out a hoarse hoot of laughter. One of the punchers fired his gun into the ground at Dermody's feet. Another yelled, "You gonna take 'em off us personal if we refuse, law-hawk?" Another bawled, "We collected marshal's badges from here to Texas." And there were some oaths and taunts with no hint of banter in them. Then the foremost riders got ready to drive in the spurs, to ride the marshal down. His hands shot high again, checking them a second time.

"Do you boys want to commit suicide? Look on each side of you," he barked.

THE SIDEWALKS were now dotted with men. Many were walking along the street, converging on the square of yellow light. Townsmen. And in the hands of every man was either a shot-gun or a rifle. Someone in the sidelines yelled, "Look up, too, waddies."

Men were stretched out on the flat

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roofs of the buildings nearest the riders, and in the open, second-story windows of the hotel, silent, alert figures with guns ready to be snapped to their shoulders, stood impassively.

There were curses and restless movements and hesitation among the twenty or thirty riders. Holt Dermody spoke again.

"You're thirsty and you want to buck the tiger. I've ridden the trail myself, so I know. The town is yours if you behave, and there is liquor and gaming, dancing and good food awaiting you. But Aspen Grove is a peaceful town—and it's going to stay peaceful. Shuck them, boys, pronto!"

Ed Harper left his station and moved out to join Dermody. Reluctantly, one after another, the riders began to unbuckle their belts, some of them muttering, some of them half inclined to make it a showdown. Ed moved calmly in on the first. The rider handed down his belt. Harper looped it over his left forearm. Then, dramatically, the picture changed.

There was movement in the center of the group. A man called in a high shrill voice, "My first chance, Frake," and then, with the quick, nervous movements of a spider, swung from the saddle and pushed his way forward between the riders in front of him. Dermody stepped back three paces and waited. Olly Rosen appeared in front of the group, on foot, and began to move across to a spot that would put Dermody's back to the Tarantula, and as he moved he threw his challenge.

"I told you, tin-star, you'd never dehorn me again," and, as if suddenly remembering those rifles along the sides, of the streets, he called out, "This is personal. Nothing to do with that new law."

"That's right, boys," Dermody agreed, then with a snap, "Hold it right there, Olly."

The youth halted as if stopped by a stone wall.

"This is as good a time as any to collect from you and your partner for burning my ranch buildings. Get it over quick. Make your move," and a very faint change came over the stocky marshal.

He appeared utterly relaxed, almost slouching in his stance. The long-haired kid's eyes glittered in the light of the flares and his lips slid away from each other, his teeth gleaming in a grin of pure savagery, and he leaned forward slightly, the fingers of his right hand curled like claws, the arm crooked slightly at the elbow. Then he struck, with almost the speed of an electric spark.

Two guns thundered in the pregnant silence that had suddenly settled over the town. So close together were the shots that their reports blended, but the flash of one gun came the barest perceptible fraction of a second before the other.

Holt Dermody spun on his heels, dropped to a kneeling position as another six-gun hammered from the side of the street. Olly Rosen coughed convulsively and collapsed on his face, his boot toes drumming a dying tattoo in the dust.

Dermody's six-gun hammered out three shots so fast that the lead of one seemed not to have reached its target before the muzzle flash of the following shot stabbed the night. And every shot was directed at the opening between the saddle shop and the next building. A second shot came from the passageway, but its lead sought the

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sky and a long body pitched forward to lie prone and motionless across the sidewalk.

A third shot sounded from the side of the street, this one from the veranda of the hotel, and at that shot Holt Dermody half straightened; half turned to face the hotel, tried to bring his gun up, and failed. His knees buckled and he slid forward into the dust.

In the open lot beside the Tarantula a slight figure appeared, racing with wings on her feet. A shrill voice rang out as the girl crossed the sidewalk.

"Oh, where is he? Oh—h—h," finishing in a long sob as she saw the two quiet figures in the dust of the street.

She ran unerringly to the marshal, caught his head in her arms and looked down, her eyes wide with terror.

"Holt! Holt! Come back to me," she sobbed. "I know now. I was wrong. Whatever you do—is right. And I'll back you—all the way—all the time. Only come back—"

The closed eyes of the head in her arms opened and a faint, slow smile stretched the bloodless lips. "Comin' honey," were the whispered words. "Only—gimme—little time," and the eyes closed again.

There were mutterings among the mounted men. Some of those in front awkwardly removed their hats. Then one, apparently the trail boss, said to the others: "Come on boys. The marshal's office," and looked down at Ed Harper. "We'll check our hardware now, officer. No more trouble."

The group swung toward the side and began to dismount. Other men, led by a long striding rancher from back of the Pass, hurried into the street to the girl and the fallen marshal. Two men, one a huge man in black broadcloth clothing and the other, walking behind him, a small, quick stepping man with a small six-gun in his hand, moved ahead of the trail drivers and entered the office of the marshal, followed immediately by Ed Harper.

THE MAN stretched out in the front bedroom of the widow Olds' rooming house groaned, then cursed, then opened his eyes. A surgeon was just straightening with a big chunk of blood-covered lead between the prongs of a pair of thin-forceps.

"This slow-moving derringer slug would knock out a horse. Good thing it glanced off one of your iron ribs. All you lost is blood. Now lie still till I bandage you," he snapped.

A soft, agitated voice from a chair near the bed asked, "He—he'll be all right, doctor?"

"He'll be in the saddle again in a few days," the surgeon said shortly, bending over the naked torso.

A dapper little man stepped up to the bed and grinned down at Holt Dermody.

"Here's news that'll help you get well in a hurry, marshal. Hugh Packard spent a half hour behind bars on the charge of attempted murder of an officer of the law. I didn't sit down on the hotel porch just to see the sights. Also, there's other charges pending that I imagine won't have to be pressed. I told you I'd gone into his past with some profit. He's already signed the document I presented to him, one that guarantees passage across his range of all trail herds from Herring's and your ranches.

"And right now he's up in his hotel room making out orders and writing drafts to the Acme Windmill Co. He guarantees the erection of twenty-five windmills within three months. Naturally, the charges won't be pressed unless he fails to comply with the stipulations of the contract I've drawn up regarding those windmills."

"The trail crew?" Holt whispered.

"Raising a little good natured hell, but giving Ed Harper no trouble. They're just kids full of life. You took care of the bad ones, Packard's two tough gunmen. By the way, you were

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luckier than you deserve; Frake Durkey don't usually miss his first shot."

"I knew he was between those two buildings. And I knew he'd give Olly first try—Olly asked for it. So, Olly down, I immediately dropped to one knee when I turned to Frake. His first shot fanned my ear."

"You knew he was there?"

"Sure, a dog told me, but too late for me to take care of Frake before the gang arrived."

"And now, Mayor Shave, may I get a word in," came a soft voice beside the lawyer.

Shave stepped back immediately. Helen Wayne moved to the side of the bed and looked down at Holt Dermody, who looked hard into her eyes, then gave his little smile.

"Did—did you hear what I said—out there in the street?" she asked a little tremulously.

"I heard—but you couldn't've meant it—hysterical," he murmured.

"I want you to know—I meant every word of it, and I'm not hysterical now," she said bravely, her eyes holding his, though her face crimsoned.

The smile on Holt Dermody's lips reached his eyes. "Bill Shave'll tell you—he's got my resignation—effective immediately, after Aspen Grove has passed the crisis."

"It's past, and the council, reluctantly but understandingly, accepts the resignation," Shave put in, a broad grin on his face.

The girl looked at him, startled, then whirled on the patient. She stared at him, and couldn't see him very well. There seemed to be something the matter with her eyes. Suddenly she leaned down, possibly for a closer look.

When she finally straightened Holt Dermody dropped his arm and softly whispered to himself, "Geeze!" and then his eyes opened as he heard her move. "You're not going?" he asked in protest.

From the door she looked back at him, smiling almost saucily. "Indeed I am. The doctor said you'd be up in a few days. I've got to mail an order immediately for a tent and camping equipment, and after that there'll be lots of provisions to buy."

Holt Dermody closed his eyes and again said softly, "Geeze!" and it again sounded like a prayer of thanksgiving.

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A HIGH WIND BLOWING

True Story of the Old West

by Allan K. Echols

MAYBE you've heard some of the tales of Dave Goodnight, whose songs the old-timers will tell you were the sweetest music this side of heaven. They delighted to tell the pilgrims that this blind cowboy could cut a calf out of a herd by following the sound of its voice, that he could locate and shoot an enemy by the sound of his breathing, that on a drive he could smell water farther than the lead steer; and so the tales were born, but they were not the real story of Goodnight.

If you have followed the path of the old Chisholm Trail, you have of course seen the big granite statue his wife erected at the spot where he died, a big cowboy astride a magnificent stallion, his guitar hung over his shoulder, his ear cocked to the song of the wind, and his sightless eyes fixed on the far horizon.

They will tell you that Ann had this monument built in a spirit of remorse for having driven him from her door when he lost his sight. That is not true.

On the night he died, she found the notebook containing some of the songs he had written, and when she read these tragic cries of a man who was dead and yet had to live on in his private living hell, she knew for the first time what life had stolen from her, and it broke her heart.

In the darkness on the night of his death she lay and cried out his name from the depths of her tortured soul. She had had carved on the base of his monument the words of an old song he he had sung when he thought there was nobody around to hear him:

"...think not bitterly of me.
Though I passed away in silence,
left you lonely, left you free."

This, then, is the true story of Dave Goodnight, just another son of the trail who did not meet a merciful death when his luck ran out on him.

Goodnight's father was an itinerant Texas preacher who knew how to get to Heaven, but did not know how to make a living for his wife and young son. He was still driving around South-

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Tramp, singer for pennies, and drifter — Dave Goodnight was all of these. But to two women — one from the bawdy hells, and another from the range, — Dave was the finest man ever made.

Dave tried to keep away from Ann, but he couldn't do it.

west Texas in a covered wagon looking for souls to save when he stopped off at the big Townsend ranch and lay down and died, leaving a wife and an undernourished boy.

Townsend was a widower with a very young daughter, and he gave the woman a job as housekeeper.

The widow Goodnight was a treasure to Townsend and his motherless ten-year-old Ann, and Townsend's home was a haven of rest for the woman and ten-year-old David. Mrs. Goodnight had of necessity been an economical housekeeper, and she had the gentleness and strength of character

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needed to raise two such healthy children as David and Ann. She taught them music on the late Mrs. Townsend's grand piano, and she taught them manners and morals and the value of love and faith.

That was when the miracle happened to young Dave Goodnight. At the age of ten he suddenly found himself free of the chains of his father's self-righteousness and poverty of intellect. Now he had food and hope. He discovered that life could be good, and free of the deprivation which had so long shackled him, he found the meaning of ambition.

He expanded like a mushroom. The days and nights had too few hours for him to accomplish the things he wanted to do.

He was everywhere, doing everything, and doing it extraordinarily well, and with an eagerness that caused old Bob Townsend to stroke his beard and shake his head in amazement.

By the time he was thirteen he could do a man's work in the saddle and do it better than most. At fifteen, he first rode the Chisholm Trail with old Bob's great trail drives up to the railhead at Abilene; and he was already beginning to take some of the responsibility off the old man's shoulders.

Old Bob was proud of his housekeeper's tall boy with hair the color of new rope, almost as proud of him as he was of his auburn-haired little girl back at home who was blossoming out into a fine young gentlewoman under the kindly hand of David's mother. They all had much to be proud of, much to live for.

But the hard life in the saddle was not enough for the life-hungry boy. He had been born with an heriditary musical talent. Ann had learned the piano easily and well, but despite his active outdoor life, Dave had learned it as though he had been born with the knowledge. His mother had given him very little instruction before he took matters in his own hands and was soon past the point where she could teach him.

He had borrowed a guitar from one of the Mexican riders, and in a week was playing chords on it that they never heard before. He discovered immediately that a guitar was a more versatile instrument than he had imagined. Anybody, even a child could learn a few simple chords in a few minutes; but he discovered that the instrument had more possibilities than even the violin. He learned to play melodies as the Mexicans played them, and then he worked out his classics on the instrument, and then began making his tunes. Nobody had ever heard music like he played it on the guitar.

But the guitar was just handy to carry around; the piano was his instrument, and so he lived two lives; days in the saddle and nights on the paino bench.

WHEN YOUNG Goodnight was sixteen, they drove a beef herd up to Abilene in the Fall. Old Bob fell sick with pneumonia, and they took him to a hotel and put him to bed. Young Dave took over command of the drive, and with very little advice from the old man, he brought it in and sold it and paid off the men. The old man was still on his back when they finally started back, and David brought the wagons and the remuda home.

While the old man was getting his strength back during the warm winter at the ranch, David ran the place. The old man had not said anything to him about the quality of his work, but one evening when Mrs. Goodnight brought his supper to him out on the sunny porch, he spoke to her about him.

"Mrs. Goodnight," he said. "I cannot understand about Dave. I have seen boys that were good for this, or good for that, but I have never seen a boy who had so much ambition in him. He has the brains and energy and ambition of half a dozen good men. There is nothing he can't do well; and he wants to do everything. He is like a high wind blowing across the prairie; there is no tiring him, there is no stopping him."

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"I know," his mother said. "I think it is because he had so little when he was a child. He has seen that the world is full of things he never had, and he wants them all. He wants too much of life, I sometimes think. I am afraid for him."

"He will get what he wants, Mrs. Goodnight. He has a fierce independence. I am proud of him, and I will help him."

"You have done too much for us; we don't deserve it."

"Nonsense. Ann is a living proof that I was fortunate to have you to depend on."

Then they both dropped into silence, and they were thinking of the same thing; the problem of Dave and Ann.

This was natural for parents of an adolescent boy and a girl who were thrown so close together in their living, and who seemed to be drawn still closer together by their interests and by an affection for each other, which was so strong and so evident that it worried both the father and the mother.

IT WAS soon after the older people had begun to wonder about them that they began to wonder about themselves. They were approaching seventeen then.

They had gone riding out to the spring with the willows around it, up in the foothills, and they had taken along a lunch and a big horse blanket to spread it on. After they had eaten their lunch, they were lying on their backs watching the buzzards circle lazily high in the cloudless sky. And every once in a while he would look at her, watching the rise and fall of her breasts, watching the copper sparkle of her hair and the eyes that had a glimmer as though tears were just beneath the surface.

And then she turned her head and saw the way he looked at her, and she was troubled. He rolled over and took her in his arms and kissed her, and his lips stayed on hers hungrily and for a long time, while she closed her eyes and clung to him.

And then he tore himself away from her, and there was surprise in him as he watched her. She lay on her back with her eyes still closed, and her breasts rising and falling; and he knew that she had discovered the same thing that he had discovered, and was trying to understand herself. And when she rolled her head over and looked at him, there was fright in her eyes, and this troubled him more.

"I'm sorry," he said. "This is no good. Ann. Let's get out of here."

"I wonder," she said, and did not explain what she meant.

He tried after that to keep away from her, but he could not, nor did she seem to want him to. When he was with her, he tried to keep from kissing her again like that, but he could not, nor did she seem to want him to.

And then one night it seemed to him that he could not go on living with this torture in him, and he asked her, "Ann could this be the real thing?"

She was a forthright girl, and she answered, "It is with me, David. I've known it ever since that day up at the willows."

It was the first time she had called him David, and somehow the full use of his name was connected with this love of hers. And after that, it was "Dave" for everyday use, and "David" when their talk was of love.

"We will have to do some thinking," he said. "This brings up some problems."

"What do you mean?" she asked. "We will get married, won't we?"

"Of course, we will. But I have to go out and find a job first and make some money. I can't take you out and set up housekeeping in a covered wagon while I look for work."

She was getting her first taste of independence. "You have a job here, Dave. This is our home, yours and mine. We'll stay right here."

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"It's your home, but it is not mine," he said. "Your dad has been like a father to me. I've been dependent on him up to now, but I couldn't marry and let him support us both. I'll have to get a job. And I'll have to get some money. I can't take you out of a good home like this—"

"But it is. I have to stand on my own two feet."

"Let's don't talk about it now," she said quickly, and kissed him. "Let's think it over for a while."

THIS WAS not long before Fall roundup and the annual drive to Abilene. It was the day before the drive started that old Bob found the youth out by the horse corral and called him aside.

"Son," he said, "I don't want you to say anything about this to your mother or Ann, but I saw Doc Graves when I was in town the other day and he gave me a checkup. I haven't been feeling well lately, Well, old Doc punched me around a while and came up with the idea that I've got something wrong with my heart. Anyhow, he took over the running of my life for me, and his first orders are that I'm not driving this stuff up to Abilene. Of course, that's a lot of foolishness. I'm as fit as a longhorn bull, but I reckon I'll have to humor him. That throws the job in your lap. You've handled it before; reckon you can handle it again?"

The youth responded with a mixed feeling of worry about the man who had meant so much to him, and an eager anticipation of the chance to ramrod a herd of two thousand cattle on the trail. "I can do it," he answered calmly.

"One other thing, Dave. You're doing a man's work—two men's work, for that matter. You go on a foreman's salary starting now, and there'll be a bonus when you get back."

Goodnight straightened up from leaning over the fence and his fingernails were biting into the palms of his hands. "On second thought, I won't be able to make that trip."

"Why? What's the matter?"

"I'll be out looking for a job."

"But you've got a job."

"No, I haven't. You've been good to me, and I'd do anything in the world for you to repay you. But you've done enough, sir. I can earn my living now, and that's what I want to do."

"But that's what I'm giving you a chance to do."

"Would you turn this drive over to any other person my age and pay them foreman's wages and a bonus? That's just another way of giving me money, sir. You've given me enough. It's time I earned my own way."

The old man was a benevolent despot, and he was accustomed to having his own way, even when he was trying to help people. But he knew the youth's fierce independence and ambition, and he was wise enough to see that he had made the wrong move.

"All right," he said. "Ann told me how things were between you. But I just don't think you're wise in going somewhere else to look for a job. Just forget that I was trying to help you, and look at the facts.

"I'm not given to overpraising a man, and I'm stating a fact that you are worth any two men I've got, just as a business proposition. On that basis, I'm offering you what I'd have to pay anybody else to make this drive for me, and you can be sure I wouldn't trust this much stock to you or anybody else that I didn't believe could do this job. I've expected this day would come—even hoped it would, as far as you and Ann are concerned."

He looked off into the distance, and after some thought, added, "I'd also hoped that when I got too old or sick and couldn't look after things, you'd be willing to help me out. Strictly business. My arrangements with your mother were that part of her pay was your keep until you were able to look after yourself. So, don't feel under any obligation to me. Just consider

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that I made you a business proposition."

There was no guile in the youth, nor suspicion of other people, and the old man's efforts bore their expected fruit. He felt that Townsend was disappointed in him, that he was letting the man down.

"All right, sir," he said. "I'll take the job on a business basis. And as soon as I get back, I'll move my things out to the bunkhouse."

"No, you don't have to do that. You stay right in the house just the same."

"It would be better if I went to the bunkhouse."

"You don't understand me," the old man said. "There is no question in my mind about you and Ann. I have complete trust in you both. You stay right where you are."

"I was thinking that a hand's wages include quarters in the bunkhouse, not in the big house. If it's all the same to you, I'd rather move out with the rest of the men."

Dave took the herd through Abilene without difficulty, and the men did not resent his youth. He took the advice of older hands at river crossings and in situations where their experience was greater than his own, and he brought them to the bed grounds outside of Abilene without accident. He shopped for prices and sold the stuff well. He paid off the men, and he went out with them after the job was finished and helped them let off a little steam.

He had a few drinks with them, and borrowed the guitar player's instrument at *Proctor & Beale's Saloon,* and played for the crowd for half the night. The next night they did some more drinking and ended up at Miss Claudia's sporting house, and here he spelled the piano player and broke up the dancing with his music.

MISS CLAUDIA was a mountain of fat in her scarlet satin dress, and she pulled up her private guilded chair to the piano, dropped ashes from her black cigar onto her satin bosom, and kept him playing old sad songs until almost daylight.

A blonde named Katy, had stood at the piano, sobbing and singing the old songs until the end, and then, said, "Whitey, you're my exclusive property from now on. Come on upstairs."

He grinned at her and shook his head. "I'll buy you a drink, but I won't go upstairs with you."

He was to use that expression many times during the tragic years to come, and there were to be many who wondered what lay behind it.

The blonde came to the piano and ran her fingers through Goodnight's hair. Miss Claudia, who had lost her ovaries and spoke in a baritone voice, barked, "Katy, go peddle your papers."

He took his men and gear back to Texas, and learned that his mother had died and been buried in his absence, so he and Ann postponed the wedding until Spring. Goodnight wanted to build a cottage for himself and Ann, but again her father brought up his arguments.

"There is no woman to keep house for me, with your mother gone. Why should I hire someone, when Ann knows how to keep my house? You want to get your start, so consider that Ann is paying for your board and room by keeping my house. That is a business proposition, and in that way, you are both earning and saving more money."

Ann saw it the same way, and between them, they convinced Goodnight that his fierce sense of independence was more of a handicap than a help in this instance.

So he and Ann lived in the big house, though Goodnight continually felt it kept him from being completely independent.

That summer, however, was the busiest and the happiest period he had ever known. He made improvements on the ranch, worked harder than ever, and the old man, whose heart was getting worse, did less and less of the active managing.

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And now his ambition soared to greater heights, for Ann was expecting a baby in midwinter. "I'm the luckiest guy that ever lived," he said when she told him about it.

He drove three thousand cattle to Abilene that Fall, buying up some of them along the route. They had a slow and troublesome trip because of a spell of Fall rains which raised the creeks and rivers, and the weather was still unsettled when they pulled up onto the bedding grounds outside of Abilene.

He went into town the next day and sold the cattle. These yearlings were going to feeders farther up north, and the buyer promised to make up a crew and take delivery within the next two days.

That night the weather broke bad again. Lightning came up out of the northwest, and Goodnight held his men in camp, against their eagerness to get into town to wash the traildust out of their throats. By eleven o'clock the clouds were high and the thunder had changed from a rumble to a roar with an occasional loud crack.

Goodnight had every man including himself riding herd on those three thousand trail-weary and nervous cattle. They were lying down now, but he knew that one frightened steer could get to his feet and spread panic throughout the whole herd. It was ticklish business and he rode with a watchful eye.

AT MIDNIGHT, there on the bedgrounds outside of Abilene, Dave Goodnight's luck ran out on him.

He had rounded the side of the herd in the darkness when a blue-green bolt of lightning struck one of the cattle in the herd. The air stank of ozone, and the thunder bounced in a sharp explosion. He felt a shock of movement pass through the herd, and the next stroke of lightning showed them on their feet tails high and horns rattling. He roweled his horse and made for the head of the mad column.

At daylight the next morning they found his mutilated horse, and then found him in a ravine. They thought he was dead at first, but there was still life in his battered body. They took him to town and he lay unconscious for three days while Doc Sanderson patched up the big wound on his head and the multiple wounds on his body.

And when he finally came around, he said, "Somebody light a lamp. I can't see a thing."

It was broad daylight in the room when he said that, and his eyes were wide open and without visible wounds. But Goodnight never saw the light again.

There was nothing wrong with his eyes, but the head injury had done something to that part of the brain which had to do with seeing, according to the specialist they got from Kansas City. They couldn't do anything for him.

OLD JIM COLVIN, his segundo, had finished up the business, and sent the men and gear home. He stayed with Goodnight while the old man was making the long and difficult trip up to join them. Old Bob Townsend, growing more ill, made it by slow stages in a month, against the doctor's orders.

Miss Claudia, when she heard about the accident, made Doctor Sanderson move him to a room in her place where there would be somebody to look after him. And so it was during that first month, that he lay in darkness in a back room of a sporting house in Abilene and went through his private hell.

In the fierceness of his independence and his ambition, he refused to accept his blindness as a fact. In the intermittenet flashes of realization, when he knew that the things that life had held out to him had been snatched out of his reach forever, he tore at his hair in his anger at not having been killed outright.

He tried liquor and no amount of it would narcotize the pain of knowing that he would have to live as

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parasite on those who loved him. He was like a grown young lion caged in a cell of impermeable darkness.

The old man found him sitting bitter and immobile in his little room in Miss Claudia's. Townsend made no comment on that, but told him that he was here to take him home.

But now Goodnight had fought his fight, and had made his decision. "Thanks," he said, "but I am not going back. I've thought it over, and that's the way it is."

"You can't be serious," the old man said. "You're still upset. I can understand how it is. This is a terrible thing, Dave, and I wouldn't try to be cheerful about it. But after you get home and rested up, you'll get adjusted, and it won't be quite as bad as it is now."

"You don't understand. I'm grateful to you for all that you've done for me, but I don't intend to be dependent on you the rest of my life, as I was before. I'm just not going back."

"You can't do that son. What about Ann? The baby is due in a few months. What about it? You can't just desert your family."

"They'll get along."

"Not without you. You can't do a thing like this. What will it do to Ann?"

Goodnight had been sitting in his chair in the cramped little room. And now he got to his feet, and his hands were clenched. "I might just as well tell you now. I don't love Ann. I don't suppose I ever really loved her. I suppose it will hurt her to hear this, but it can't be helped. I am not going back to her."

Stunned, the old man was silent for a long moment. This took a lot out of him, which he never recovered. Then he had one more thing to say. "In any event, this thing happened in connection with your work for me. I am responsible, and it is my duty to see that you are taken care of."

"That's not so. It was one of the risks any man has to take. You don't owe me anything but wages."

"But how are you going to live—"

"I'll manage. As long as I'm alive, I'll stand on my own two feet. And I hope you won't say any more about it." That was the only time he ever spoke an angry word to the old man, or to anybody at all, for that matter.

The old man was in a state of shock; he felt the power of Goodnight's anger, and it crushed and bewildered him. He was old and sick now, and he did not have the strength to fight this problem through. Sadly he pulled out his checkbook and wrote a check for a thousand dollars.

"Here is some money," he said. "When that is gone, you can have more. And if you change your mind, I wish you would let us know, and I will come and get you and take you home. I don't know how I can tell Ann." He squared his shoulders a bit. "But we will make out." He had his own pride even at this dark moment.

After he had gone out, Goodnight stood in the middle of the room and tore the check into small pieces and let them dribble to the floor like snowflakes.

THAT WAS the end of life for Goodnight, but he had to go on living. He stayed around Miss Clau-

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dia's until he could find his way around the streets. Then when he ran out of money he began playing the piano at *Proctor & Beale's Saloon* for tips. He picked up a guitar, and began singing the old trail songs here and there in saloons that did not have pianos. He would stay in one place a while, and then drift on with a trail crew from one place to another. They were always glad to feed him and give him a bunk and listen to his music.

He settled gradually into his new way of living; he learned to take tips for his singing, and to expect them. He made up his own tunes, improved the old songs, and began making up verses of his own. As his ear became more acute, he picked up a tool somewhere and began the practice of tuning the pianos he ran across before he would play them. And since nobody west of Kansas City had ever heard a properly-tuned piano played, the people who heard him thought they were hearing a new kind of music.

He wandered down into the Cherokee strip, over to Fort Worth, and back up the trail again; he would stay a week or so in a bunkhouse here, and with a solitary homesteader there, but he generally drifted back to Abilene. And he would always look up Miss Claudia, and play Where Is My Wandering Boy Tonight? for her while she smoked her black cigar and shed tears that he could not see.

A peculiar friendship developed between this sixty-year-old woman of the town and the white-haired boy with the music in his head. He had never forgotten how she had nursed him—mothered him—in those first weeks when the blackness was as deep in his soul as it was in his eyes, and he had a peculiar kind of affection for her and trust in her. On the surface she was as tough as she was gross, and she knew all the dark secrets of mankind. But she had her own secret which he never suspected, but which she never mentioned, and he felt that he could trust her.

That was why he brought her the note book. It was a simple five-cent composition book bound in heavy brown paper, and he brought it to her one day. "Look, Claudia," he said. "I heard a new song this week and I wish you'd write it down for me, would you? I want to be sure to remember it."

She looked at him queerly, knowing that he had developed a memory that could master a tune or the words of a song at one hearing. She made no comment, but there in her office, as he repeated them, she copied off the words in a precise Spencerian hand.

Then he played the song on the piano and sang it to her. And as long as he was alive she was the only person who ever knew about the songs in that book, or ever heard them sung. She kept the book for him, and every once in a while he came to her with another one which he claimed he had heard and wanted her to copy so he would be sure to remember them.

Old Claudia copied down his secret songs, never letting him know that he was revealing himself to this shrewd old woman. As the years crawled by he brought one song after another to her for the secret book, and as she copied them down without comment she read the story of the merciless tortures that festered in him.

And on nights when old Claudia's secret sentimentality arose, she would sit alone in her room and read the songs and drink her whiskey by the tumblerfull, and cry and curse him. "You poor brave fool," she would say, and "You sublime idiot." Then she would go to bed half-drunk and cry and feel at least partially cleansed.

●

Dodge City knew him. When the railroad pushed on down there and left Abilene to die, he went along; and his songs and his music were blended with the clash of fighting knives and the blast of the gunman's

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Colt in the savage cry of a young frontier.

He never wrote down the songs he sang in the honkytonks and saloons and around the campfires, and he never sang the songs that he had written down in the little brown notebook. They were things of separate worlds, the worlds on opposite sides of his curtain of darkness.

In a way the Chisholm Trail from Texas to Kansas was a world of its own. It made its own news, and so it was that Goodnight heard occasionally of the affairs at the ranch. And Ann heard word of him, as he had expected and intended that she would.

Ann had given birth to a daughter, the image of herself. Soon after that, the old man who had again picked up the reins of management, died under the strain.

Goodnight waited to hear of Ann marrying again, but things did not work out that way. The word was that she lived the life of a recluse for a while, and then took more and more active charge of the ranch. They said that she lived only for her daughter, and had thought only of work. There were many men who cast their eyes on the beautiful young woman with a hundred thousand acres of land and ten thousand head of cattle, but she had no eyes for them.

She could not evade hearing the stories of Goodnight's seeming contentment to waste his life in the deadfalls along the trail. And she even heard the story going around that he was a kind of a protege of old Miss Claudia, a woman of a man's world of which Ann had heard nothing but dark whispers.

It can be said for Ann, though, that after his death, she defied all convention and went to see old Miss Claudia, and always took comfort in the things she learned from her.

Ann worked with a fury that was like a drug with which she tried to drown remembrance of the past. She spoke no word about her husband, nor did she try to communicate with him. No one knew what she thought. She had never answered Dave's message that he did not love her.

GOODNIGHT'S music and his white hair and his smile had been fixtures on the trail for nearly ten years at the time of the big blizzard. He had given his sheepskin coat to a broken-down old trailhand, and he lay in bed at Miss Claudia's with a case of pneumonia from which he never fully recovered. When he came out of it, the spark was gone; the lilt was no longer in his music and in his step. There was a tremor in his hands as he rolled his cigarettes or lifted his coffee cup, and the smile with which he always spoke was a bitter counterfeit of the real thing.

Miss Claudia saw him going downhill, and she said to old Doctor Sanderson, "You shouldn't have saved him, Doc. You did him no favor."

"What do you mean?" asked the little man with the white goatee. "Why didn't he take a pill if he wanted to die?"

"He's not the type to kill himself, but he wants to die. He's fought the devils too long."

"What's he got to worry about? He don't even have to work for a living."

"Doc, you haven't got the eyes to see a tragedy so great that it's beautiful."

"You see all the tragedy I do and you won't think its beautiful."

Goodnight played and sang less and less as the summer rolled on.

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His strength refused to come back to him, and he would sit for long periods, silent and staring into space with his sightless eyes. Somebody said, "Just waiting for the Reaper to come and get him."

The summer's heat had not done him any good, and he had developed a cough. He came to the old woman late in the Fall and said, "Claudia, I'm going down to South Texas for the Winter. The Townsend drive is in, and I'll ride along back with them as far as they go."

"Might be better for the winter," she said, but she had the feeling that there was more to it than that.

"Got another song I heard," he said. "I wish you'd copy it down for me. A little thing called, *Bone Tired.*"

She shook her head and after she had copied down the weary words he gave her, he said, "I believe I'll take that notebook along with me. Might get to practice some of that stuff this winter."

She handed him the notebook with a queer expression on her face; for she saw him then as a stricken animal leaving his haunts in search of a seclusion in which to die.

"Play *Wandering Boy* for me once before you go," she asked.

When he had finished, she said, "Whitey, will you play and sing one more piece for me."

"What is it?" he asked.

"In the Gloaming."

His head was bowed for a long moment. "Why?" he asked.

"You've always liked that song. I've heard you play it when you were alone. Play and sing it for me, son."

It was in the small hours of the morning, after the crowd had gone, and Dave sat down at the piano and played and sang the old song while Claudia watched his face and listened with a penetrating regard. It was while he was singing the second verse that she started biting her lips and blinking.

He had a smooth voice with an overtone of sadness in it as he sang:

"In the gloaming. Oh, my darling. Think not bitterly of me. Though I passed away in silence, left you lonely, left you free. For my heart was crushed with longing. What had been could never be. It was best to leave you thus, dear, best for you and best for me."

When he had gone, she sat with her head bowed, and she said, "I thought so. I knew I wasn't wrong."

HE GOT A boy to lead him out to the camp, taking his small gear in an old satchel, and with his guitar swung over his shoulder.

Old Jim wasn't about, but a few old hands recognized him, and the younger ones had heard about him. They welcomed him into camp by stowing his bag in the bed wagon, and getting him a plate of supper.

Goodnight was now unusually sensitive to men's moods as revealed by the sound of their voices, and he knew that there was something here that wasn't just quite right. However, he was tired, and he ate his supper and sat with his back against the wheel of the bedwagon. He was always tired these days.

Then he heard the sounds of buckboard approaching the wagon, and when it stopped, a man walked up to it, and somebody got out of it.

He heard the voices—Ann and a small girl.

And he heard a man speak in a low tone, and finally people approaching him.

Ann spoke to him in a controlled voice. "Hello, Dave. I'm glad to see you."

He said as though from a great distance, "Hello Ann. I just wanted to hook onto a ride. I didn't know you were with the drive."

"I came along to take Sarah to relatives in Kansas City; she's going to school there. But I'll be right back, and you're welcome to go back with us."

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"Thanks, Ann."

She stood before him with her hands clenched and the blood drained from her face. He had stood up—he was always immaculately polite—and for the first time she saw him in his blindness. And she saw the toll that time had taken of him. She saw his unblinking blue eyes and the smile which was a bitter counterfeit of the smile she had known. She saw the tremor in his hands, and in his lower lip, and the chords jerking in his neck. He was weak, and his courage could no longer conceal the violence of the struggle within him. The sight of his travail overwhelmed her with such pity that she cried out in protest, and stood swaying on her feet.

She was waiting for him to say something about his daughter, who stood beside her. But Goodnight said nothing, and her heart sank.

He pulled out tobacco and rolled a cigarette with trembling fingers while she watched him. And she thought, *Oh, God, what has happened to him? He needs me so. Let him say that he wants me again and I will forget the empty years; only let him come to me so that I can care for him.*"

The silence between them built up until it was almost unbearable, and then Goodnight said, "Here's something that I brought you."

HE FOUND the brown notebook in his satchel and held it out to her. As she took it, unable to speak, he said, "That's for the little girl. Would you promise me that neither of you will read it until—well, until I'm not around any more?"

She knew what he meant. "Yes, Dave. If you like."

Once again he gave her that death-like smile, and said, "Thanks. Well, I'll be going. Glad I saw you."

"But, Dave, you were going home with us?"

"No, I can't go, this trip. I just remembered something."

He turned and started walking, but he did not go toward town. He was walking out across the prairie, in the direction of the herd that was nervously milling about under the watchful eyes of the whole crew.

Then terror brought her voice back to her.

"No, Dave," she cried. "Not that way! Wait, I'll lead you!"

He seemed not to hear her, but started walking faster as though to escape. And in a panic, she started running toward him.

It might have been that he knew the herd was ahead of him, or it may have been that his senses were dulled and that he was crazed by the fresh onslaught of grief which flooded him when he came unexpectedly so close to his wife and child. But whatever the reason, he broke into a run, and she screamed and collapsed when she saw him disappear into that violent sea of horns and hooves.

She was still clutching the brown notebook after dark when his broken body lay under a blanket beside the wagon, waiting for them to bring a coffin out from town. She sat on a box beside his body, with a lantern hanging from the wagon tongue, where she had been sitting dazed in her anguish ever since the doctor had taken the child to town for his wife to keep during the funeral.

Half conscious, her nervous fingers riffled the pages of his notebook, and when she became aware of what she was doing, she was looking at the first page of the book. On it a letter addressed to her had been penned in a neat hand. It was ad-

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dressed to her at her ranch in Texas, and it read:

Dear Mrs. Goodnight:

This letter is to tell you the truth about your husband, though it will come to you perhaps too late. I am from a world you do not know, but I am a woman and a mother, and though it does me no credit, I know much—too much—about the minds of men.

I knew Dave Goodnight as nobody else knew him, because for ten years I have watched him and tried to help him. I want you to know what those years were like to him. In him there was a courage and an honesty and an independence of spirit such as few men knew, but he wore his cloak of decency so lightly that it was hardly noticed by those about him. No one except myself knew why he left you, and he did not tell me in so many words. But the poems in this book, which he wrote to you and to his baby will tell you, as they told me, that he had so great a love for you that he could not burden you with his care, and so great a courage that he could leave you to set you free.

These songs, then, are distilled from the secret tears he shed so that you could walk unencumbered and free in the light that he would never know. "Greater Love Hath No Man..."

Respectfully,
Miss Claudia.

She read the letter, and read the truth of the letter in verses and in her own heart. And then she knew the answer to the question which had crushed her every moment of the lonely years.

And when they came in the night to bury him, they found her beside his body. She was holding his head in her hands and crying out, "Oh, David, my love, why? Why..."

★

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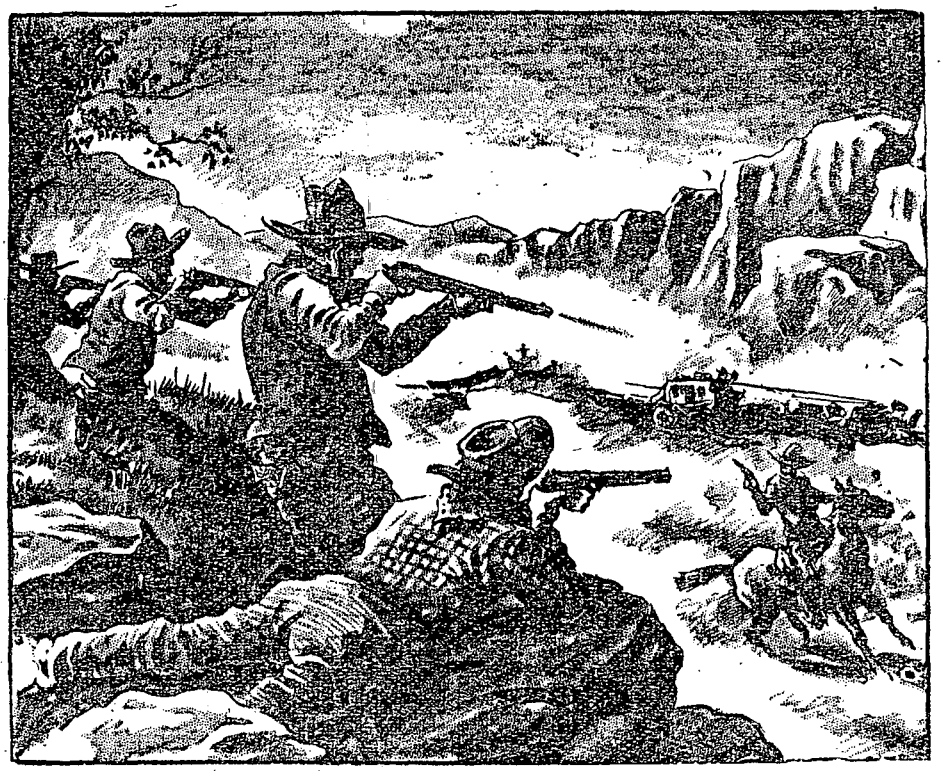
Thunder River

by Lauran Paine



"I've fought Indians and white renegades for forty years, Marthey," old Josh Calhoun told his wife, "and I'll be damned if some yellow-bellied Easterner is gonna take the Rafter C away from me without a fight!"

JOSHUA CALHOUN smacked his lips, put his fork sideways on his plate and swiveled around in his chair to face the wisp of a greying woman behind him who was ladling water into a dishpan. "Marthey, I don't quite know what to do." The woman went on with her labors in silence. She knew her man. If he volunteered information, it was because he was puzzled and wanted to talk; and after thirty years she had become a good listener.

"We pioneered this country. Worked hard to build up the Rafter C. Them years was lean ones, Marthey; we've known plenty of heartbreak out here. Our first born lies up on the hill over yonder." Calhoun's leathery face was puckered in anger and bewilderment. "We've been honest folk an' good citizens. We've worked with the other old timers to bring law to Calavada County an' run out the gunmen. An' now some dude from the East comes out here an', without a gun, is in a prime way of takin' what we've accu-

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mulated by legal means and held by our own strength."

Martha Calhoun was devout. She had the strength, vision and indomitable courage of frontier women. She was tiny and frail looking, but she had raised three sons and had nursed her husband and her neighbors through bitter, hard years and yet her age and tribulations rode lightly on her shoulders.

"There's someone ridin' down the lane, Josh." Calhoun shook off his gloom and went to the kitchen door. He opened it and watched the lone horseman come up to the hitchrail and dismount.

"Come on up, Tim, the coffee's still hot." He turned his head toward his wife. "It's Tim Leary."

Tim Leary was a lifelong friend of Josh Calhoun's. They had been hell raising cowboys together. Leary was Sheriff of Calavada County. He entered the kitchen, smiled and bowed to Martha Calhoun and dropped into the chair that Josh Calhoun had motioned towards. Mrs. Calhoun poured two cups of coffee and set them before the men.

Sheriff Leary spread his thick, calloused hands on the table and his eyes were grave. "Listen, Josh, I want to get this over with so I'm goin' to say it now an' have done with it." Calhoun's eyebrows went up as he studied his old friend. "Josh, you an' I was raised together. We've fought each other's battles. For gosh sakes don't put me in a spot where I've got to buck you."

Josh Calhoun frowned in puzzlement and started to interrupt but the sheriff shook his head and kept on talking in a tired voice. "Hear me out, Josh. That there newcomer named Lacy bought the Diamond T fair and square an' the river rights go with the ranch." Calhoun's face mirrored understanding and resentment but he didn't interrupt. "Sure, I know old man Tate never held anybody up when he owned the Diamond T; but I also know that this here Easterner is within his rights to fence off the river water from the other ranchers, an' I've got to uphold the law. That's my job, an' as long as I'm sheriff, I aim to do it."

Calhoun was on his feet. "Are you tellin' me that this here dude has fenced my cattle off from the river?"

The Sheriff nodded slowly. "Yeah. Word come to me last night that he was startin' to fence off Thunder River an' so I got a-horseback before sun-up an' rode over here to be on hand when you found out." He shrugged and tried to force a wry smile. "You don't think I got out of bed at four o'clock this mornin' and rode over here just to look at your homely face, do you?" Leary looked at Calhoun's livid face and there was despair in his voice. "Josh, don't do nothin' that'll make me come an' get you."

Joshua Calhoun rolled a cigaret and his hands were shaking. With his cattle fenced off from Thunder River, there was nothing for them to drink. Without Thunder River, he was ruined. Forty-odd years of back breaking labor gone up in dust in one day. The old settlers had never bothered to claim river rights. They tolerantly assumed that river water was for everyone and everyone's stock. They knew the river would always be there and they had been too busy fighting off maurading Indians, then renegade Whites, then drought, depression and poor markets to claim legal rights to Thunder River.

Joshua Calhoun sat down at the table and faced Sheriff Leary. One contemptible dude with delusions of owning an empire was ruining, by legal means, the pioneers of a land who had defied all of the Apache and renegade guns on the frontier to dislodge them. He pointed a blunt forefinger across the table at Leary and his voice was strangely calm.

"Tim, I'd give my right arm not to have to do this to you, but by God, I'm not going to stand by an' see Marthey's labors an' mine ruined because of one damned tenderfoot! I'll

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fight, Tim, I've got to." He dropped his hand to the table and clenched it into a fist but his eyes softened. "Tim, like I said, I'd give anything not to have to do this to you. Hell, I recollect when you an' me rode into this country, a couple of half drunk cowpunchers spoilin' for trouble an' young enough to think we could cull wildcats. I never dreamed we'd be on opposite sides of the fence, but my mind's made up. I'm goin' to fight this feller Lacy to the last dollar an' the last bullet!"

The Sheriff sat for several moments looking at the spiral of bluish smoke rising from the tip of his brown paper cigaret. He seemed to sag at the shoulders and the grey in his hair caught the early morning sunlight and shined dully. He finally arose in silence, put on his dusty black Stetson and raised his calm blue eyes to Calhoun's face. "All right, Josh, you've called the turn. I'm sorry as the devil. Thanks for the coffee an' s'long."

WHEN THE last echo of the Sheriff's exit had died away, Joshua Calhoun kissed his wife, pulled on his jumper, clamped on his clay colored Stetson and went out the kitchen door. His face was unhappy but determined as he walked toward the great log barn that had stood as a landmark of the Calhoun Rafter C ranch for almost forty years.

In the shady interior of the massive barn, five men were talking as they gathered their tack. When Calhoun entered they turned and looked into his square jawed face. "Well, Paw, I reckon we know what Sheriff Leary was here for." The man who had spoken was short and heavily muscled. His features were almost identical with those of his father's except that his mouth was larger. He looked to be about twenty-five years old. He was Calvin Calhoun, youngest of the Calhoun boys.

Josh raised his eyebrows. "How do you know?"

The son shrugged and a dour smile settled over his face. "Jeb rode to the river this mornin' to see how the cattle were doin' an' run smack into a brand new four strand barbed wire fence."

Josh nodded solemnly and noticed the quizzical looks the cowboys were giving him. A long interval of silence engulfed the men. A man stepped up in front of Calhoun. He had deep set, level grey eyes; there was a taciturn twist to his mouth, however, that was not present among the other Calhouns. He was Jeb, eldest of the two Calhoun boys. He was tall, lean and granite jawed with sandy hair trailing out from under his faded Stetson. "If we're goin' to fight, Paw, count me in."

The younger Calhoun nodded abruptly. "An' that goes for me, too." Josh couldn't repress a tight smile of pride. The three hired hands profanely assured Calhoun that they were in any fight for a man's right to water his cattle, legal or otherwise.

Calhoun's nearest neighbor was Les Everhart, an oldtimer like himself in Calavada County. Everhart's ranch, too, was dependent on Thunder River for water. Josh's eyes were narrowed when he faced his men. "Jeb, you an' Cal ride over to Everhart's an' ask Les if he intends to fight for his water the same as us, an' ask him what he intends to do about the fence along the river."

Jeb's cold eyes flickered when he answered. "I doubt if'n that fence is strung as far as Les' place yet."

Josh nodded thoughtfully. "Well, it will be before long, so you git over there." He regarded his sons for a moment in silence. "On second thought, Jeb, bring Les back with you. He an' I might as well get our heads together on this affair." Jeb and Cal saddled their horses, mounted and rode out of the barn.

Calhoun looked at the ground. He had to work fast. Cattle had to have water. It wasn't particularly warm but still the critters were on dry feed and they'd need water by evening. He

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looked at his three cowboys. "Pete, you an' the boys ride fence an' if'n you see a fence down somewhere, let the cattle drift through, or if'n that damned fence ain't to our Southern line yet, drive 'em all down there an' water 'em." He shouldered past the grim faced riders, "I'm goin' to town to see what our rights are. I'll be back by evenin'." The cowboys saddled up in silence, their usual banter stilled by the gravity of the situation.

Joshua Calhoun was well on his way along the deeply rutted wagon road to Calavada City when he saw three riders ahead of him. He squinted into the clear distance and his eyes narrowed above the ripple of his jaw muscles. The oncoming riders were Lacy, the newcomer, and three of his riders. Josh didn't recognize the cowboys as being any of Tate's old Diamond T riders.

Lacy and his men reined up when the recognized Calhoun. Poker faced, the older man rode up to the trio and a tiny curl of contempt showed at his mouth as he studied Lacy's heavily stitched, ornate boots and silver mounted saddle and bridle.

"You're Josh Calhoun?" The question had a challenge on it.

Josh nodded. "I am. An' I reckon you're Lacy, new owner of the Diamond T."

Lacy shifted in his saddle. He wasn't built for horseback travel. He was short, with an amazing paunch. His face was round and puffy cheeks almost hid small, pale eyes. His mouth was a slash across an unpleasant expanse of white flesh. "I suppose you've seen my fence along Thunder River?" Calhoun nodded brusquely. "Well, I imagine it doesn't sit well with you."

Josh's anger was like a lump in his throat. "No, it don't, Lacy. As a matter of fact, I didn't reckon anybody'd be so low they'd want to see animals die of thirst."

Lacy smiled and his face was lopsided from the effort. "That's not the point, Calhoun. I own the Thunder River frontage and I aim to keep it," he shrugged indifferently, "one way or another."

Joshua Calhoun was not a patient man and when he felt he was being imposed upon he was a ring tailed heller. With an ashen face and blazing eyes, he faced Lacy and the Easterner recoiled unconsciously from the fiery venom etched across Calhoun's features. "Listen to me, Mister Lacy. I come to this country when no other white men wanted to risk dyin' from renegade an' Apache bullets bad enough to stay here. I stayed. I aim to stay now, too, so if you think you'll get Rafter C by blockin' my water, you got another think comin'. Now get out of my way before I blast you."

Lacy's face was livid. "All right, Calhoun, you asked for it; now I'm goin' to give you somethin' to think about. Since you'd rather fight this out than be sensible about it, by God you're goin' to get your wish!"

Josh's lip curled over his strong teeth. "Your kind don't fight, Lacy," he nodded toward the watching cowboys. "These hired gunslingers do your fightin' for you."

Lacy swore violently, but he kept his hands on the saddle horn. One of Lacy's riders edged his horse forward threateningly. "Lissen, you old coot, if'n you don't button yore lip, I'll fix it so's it won't come open again, ever!"

Calhoun looked the gunman up and down slowly. "We cleared this here country of your kind once, Mister, an' I reckon we'll do it again, an' right soon, too." The gunman flashed his arm and a .45 came across the swells of his saddle. Lacy lashed out with his quirt and the bullet went into the ground at the gunman's feet.

"Stop it, you damned fool!" The gunman threw a baleful look at his employer. "What in hell is wrong with you?" Lacy was white faced. "Let's get on to the ranch." He turned back to Calhoun as he reined his horse past the old rancher. "I saved your life, Calhoun, but think this over, when

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I get back to the ranch I'm going to send my boys to patrol Thunder River an' Lord help you if there are any Rafter C cattle watering there."

CALHOUN watched the men lope away toward the Diamond T. It was too late now to go into town and besides his boys might have found an unfenced section of river where they could water cattle. He whirled his horse and rode hard for the Rafter C. His riders weren't expecting trouble and would be sitting ducks for Lacy's hired gunslingers if the Diamond T men found them at the river. The wind whipping into his face didn't lessen the mixed emotions of primitive fury and contempt that coursed through Joshua Calhoun's veins.

Back at the ranch, Calhoun thoughtfully loaded a battered Winchester Model 94 carbine, slid it into his saddle boot and tied his horse in the shade. There wasn't much time to lose, but he had to tell his wife sometime and a few minutes spent now would eliminate an obligation that he might not have time for later. Slowly he walked across the yard to the house. The entire situation was like a lead weight in his stomach.

Mrs. Calhoun was busy in the kitchen with her Indian house girl. She was used to trouble and knew her man like a book. She even knew the tinkle of his spurs from those of her boys, and when Josh stood in the doorway with his steady grey eyes gravely looking into her blue ones, she knew that trouble—real trouble—had come again to the Rafter C.

"Marthey, I reckon you've figured what's up." Martha Calhoun nodded. She was small in size but her candid eyes held indomitable courage and great strength in their depths.

"Yes, Josh, and I've prayed to the Lord for guidance. He will show us the way." Josh nodded gently and leaned against the doorjamb. A softness settled into the grim lines of his mouth.

"I had hoped we could avoid trouble, Marthey. But I just ran into Lacy on the trail an' he's spoilin' for a fight."

Mrs. Calhoun nodded and her eyes slid over the stalwart, aging man at the door. "You're a fair man, Joshua; you'll do what's right. Be careful and keep an eye open for the boys." Joshua Calhoun wanted to cross the room and kiss her, but he knew that only a thin line of restraint was holding back the tears so he smiled and backed out of the room.

Mounted and in a hurry to make up for lost time, Calhoun rode directly toward a small summit that overlooked the river. He was wise in the ways of the range and halted his horse on the off side of the hill, hobbled him, drew his carbine out of the boot and crept up to the crest. Crouched and ready, Joshua Calhoun breasted the ridge.

Two Rafter C cowboys, Jack and Buff, were watering Calhoun's thirsty cattle fifty feet or so beyond where the fence was being strung. No Diamond T men were in sight. Up the trail behind Jack and Buff's herd was a cloud of dust which Josh recognized as the other rider, Pete, and a bunch of stragglers he was trailing to water. Their thirsty bellows came faintly to the men at the river and Calhoun watched as Jack and Buff turned lazily in their saddles and looked at the oncoming cattle.

The sun was warm on Josh's back. It was early in the year for warm weather. The day was clear and clean and Thunder River shined like a broad silver belt. There were some trampled reeds along the edge of the river and several hundred yards away was an inviting clump of large trees. Joshua Calhoun's soul drank in the beauty of the rugged land and despite the tension within him, he was conscious of the grandeur of this land he had pioneered.

Jack and Buff sat their horses near the herd and casually rolled cigarets. Glints of sunlight flickered off of their bits, spurs, belt buckles and pistols. Jack lighted his cigaret and thumbed

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his sweat streaked Stetson to the back of his head. Buff said something and he shrugged his broad shoulders with a meaningful look at the unfinished fence a few feet away. The sound of the cattle came clearer and both cowboys turned away from the river to watch the ambling animals trot toward the water. Pete waved to Jack and Buff and jogged along in the dust. The cattle needed no urging as they mascled their way among the animals already standing in the water and the herd became a mob of red and white shaggy backs.

The last of the Rafter C cattle were no sooner in the river, bellowing in confusion and crowding one another through the heavy cloud of dust, then a pandemonium of rifle and pistol fire broke into the commotion. The three Rafter C cowboys spurred their horses in among the cattle, guns drawn, trying hard to find the source of the gunfire amid the frightened bawl of cattle and the thick dust.

Joshua Calhoun had not forgotten his purpose on the knoll despite the fascination of watching his men and cattle below. When the first ragged volley of shots shattered his reverie he swung his head in time to see a band of six riders charging out of the clump of trees across the river on Diamond T range. He cursed savagely and jerked his carbine to his shoulder. The Rafter C riders had seen the gunmen. Despite the two to one odds, the Rafter C cowboys splashed through the startled cattle, crossed the shallow river and charged straight at the Diamond T men.

The smoke from many guns and the churning cloud of dust made by the cattle as they stampeded away from the river almost obscured Joshua Calhoun's vision. The violent fight was over almost as quickly as it had started. Two Diamond T men lay sprawled on the hard ground and Pete, Calhoun's rough, tough, little bronc stomper was mortally shot through the lungs.

From his vantage point Calhoun fired with such accuracy that Lacy's men retreated in disorder with Rafter C bullets kicking up dust behind them. Calhoun dashed back to his horse, yanked off the hobbles, mounted in a flying leap and spurred recklessly down the slope, out into the river and up the other side to his men.

When Lacy's men were out of gun range they stopped and the same unshaven, red headed gunman who had tried to shoot Josh earlier in the day turned his horse and rode back at a walk, his arm stretched high above his head, palm open and fingers spread.

BUFF, JACK and Josh were kneeling beside the dying Pete when the Diamond T man rode up. They were white faced and deadly. Pete's breath was bubbling through ashen lips and his eyes were glazed. Joshua Calhoun, straight as a ramrod, stood up and faced the Diamond T gunfighter, his eyes wide with killing fury.

Without a word Calhoun strode up beside the gunman and the thin, bloodless line that was his mouth was clamped closed and pressed flat over his teeth. The red headed man licked his chapped lips and his small eyes slid from Calhoun's face and rested uneasily on Pete, who was noisily breathing his last with a bubbling, pink froth at the corners of his mouth.

"I come back here to tell you boys that you was in the wrong an' when you crossed that there river you plumb invaded Diamond T property." As the gunman talked a measure of confidence returned to him. Wagging his head he looked at Calhoun. "You forced this here fight an' Mister Lacy'll finish it." He licked his chapped lips again and the cruel, harsh lines of his face sagged evilly. "Lacy owns this here water an' he says no piney woods ranchers is goin' to use ary a drop of it."

The Rafter C riders were tying Pete's bloody and lifeless body on his saddle horse but Joshua Calhoun's eyes had never left the Diamond T man's face. Taking Calhoun's silence for in-

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decision, the gunman made a parting promise. "Now I'm goin' to town an' have the Sheriff pick up the lot of you fer trespassin' an' murder, an' if he don't do his duty an' haul you in by nightfall, I'm comin' over to yore place with the Diamond T crew an' plant the passel of you myself."

Calhoun's voice was quiet when he spoke and the red headed gunman felt a twinge of fear. "I'll be lookin' for you at sundown, badman, but I doubt if you've got the guts to show up." He slashed the air with a balled up fist. "Turn that horse around, you bushwhackin' scum, an' ride back to your sawed off an' overstuffed boss. Tell him Josh Calhoun dares him to set foot on the Rafter C this evenin' or any other time. Now git, you sneakin' coyote or I'll blast you clear of that saddle!" The Diamond T rider turned his horse abruptly and rode away without answering the old rancher.

Back at the Rafter C, Jeb and Cal were waiting with Les Everhart and his two cowboys when Jack and Buff rode silently into the yard leading Pete's horse with its grisly burden bumping along quietly with each step. There were no words spoken while the Rafter C men, with Everhart's crew, went up the hill and buried Pete beside the youngest Calhoun boy, killed eight years before by a marauding grizzly bear.

Les Everhart listened as Calhoun told of the ambush and subsequent battle. He was a tough, wiry man that local gossip said was a reformed outlaw. When Josh finished talking he turned to his two hired hands. "You see how it is, boys. There'll be trouble as sure as I'm a foot high. You ain't gunfighters an' this here ain't yore fight. I'll pay you off right now, if yore of a mind to ride on, an' there'll be no hard feelins'."

The two cowboys interrupted each other with their replies. They weren't leaving, pay or no pay. Everhart nodded as though he had expected no other answer, which in fact he hadn't, and turned to Calhoun. "Well, Josh, what's the next move?"

Josh wiped a bead of cold perspiration from his forehead. "I reckon we'll have to get set for whatever comes. It's too late to try gittin' word to Sheriff Leary. Things have been happenin' too damned fast today." He frowned at his neighbor. "I don't expect this here Lacy'll be foolish enough to come over here, but then a feller can't tell." He sighed. "'Reckon we'll have to get set like we expect the Diamond T just in case they do try something."

Les Everhart poked at the earth around his boot toe for a long while before he broke the silence that had settled over the little group of men. "Josh, you an' Sheriff Leary is old friends, ain't you?" Calhoun nodded. Everhart's face screwed into an uncomfortable grimace. "This'll kind of set things in a bad light, won't it?"

Josh nodded solemnly. "Tim Leary an' I was raised together an' he's a damned good Sheriff, but his duty ain't our way this time." With an explosive gesture Calhoun faced Everhart. "What the hell, Les, am I supposed to sit here quietly while my men are shot an' my cattle choked off from water?"

Everhart pursed his lips and shook his head.

The two Rafter C cowboys and their employer cleaned their guns, loaded their belts with cartridges; Everhart's men put the saddle stock in the barn, emptied the corrals of animals, locked the outbuildings and helped set up makeshift defenses inside the massive log barn where Rafter C and Stirrup Slash would make their stand. The Calhoun boys had hitched up a buggy and driven their mother and her Indian house girl over to Everhart's ranch where they would stay with Everhart's women. When they returned, the sun was slanting toward the distant purple mountains and the tension at the Rafter C was mounting.

By communal effort the embattled cattlemen hustled themselves a meal

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that was filling but not very appealing. There was little conversation and what there was consisted of pointed, matter-of-fact talk. As the shadows lengthened so did the determination of the Rafter C and Stirrup Slash. The overbearing Easterner, Lacy, was due for a surprise if he and his hired gunmen invaded the Calhoun ranch.

Evening came and with it a cool breeze off of the far away snow-capped mountains. The slap of a loose pine shake against the roof beneath the impetus of the northerly breeze sounded doubly loud to the waiting cattlemen who had returned to the fortified barn after their last meal of the day.

THE MOON was a watery sickle high in the deep purple heavens when Jeb, from his lookout on top of the barn roof, rapped sharply with his gun butt. Everhart ran up to the hay loft and gingerly climbed to an opening below where Jeb crouched. "What d'ya see,' Jeb?"

Jeb was only a black outline above the rancher. "Plenty, Les. Looks like the Diamond T is goin' to keep its word. I reckon Lacy figgers he can safely take the law into his own hands now after the battle at the river this afternoon. There are twelve riders comin' slow across the range toward us. I can't make 'em out but it's a safe bet they're Lacy's crew. I'm comin' down." Everhart slid to the loft floor with Jeb Calhoun behind him. Together they descended to the main floor of the barn and passed the alarm.

With the elusive yet definite quality for leadership that was bred into the pioneers of the range, Josh Calhoun picked vantage points and stationed his heavily armed backers. The night was silent. Even the little zephyr had died down. Calhoun's faction strained their eyes for movement when they knew that the invaders were on the ranch. Calvin Calhoun stiffened at his loop hole and spoke without turning his head. "Paw, there's somethin' movin' at the corner of the blacksmith shed."

Josh's eyes narrowed in the gloom. "Shoot when you get a good target, boys. We didn't ask 'em here, but by God we can make sure that some of 'em stay here!"

Calvin Calhoun rested his carbine carefully, took long and deliberate aim and squeezed the trigger. The shadowy trespasser was knocked violently backwards by the impact of Calhoun lead. Calvin Calhoun roared a mighty yell and Lacy's faction heard his words. "First blood for Calhoun!"

A fusillade of furious shots thudded into the barn, but after their initial loss, the attackers were wary. There were moments of complete silence. None of the fighters was wasting ammunition. This was a battle between born and bred frontiersmen. There was no careless or indiscriminate shooting. Each warrior jockeyed for a good position and a fair target.

Les Everhart and Joshua Calhoun manned a large crack between logs where the chinking had been knocked out. A shadowy figure stealthily moved from a small building toward the wood pile. Almost simultaneously the two old timers fired and the man broke into a frantic run that carried him about twenty feet; then he stopped, raised up on his toes, wavered and fell over like a log, drilled through the head and neck.

In a lull one of the attackers shouted to the barn. Calhoun answered curtly and the hidden gunman stepped into full view. It was Lacy. His bulbous shadow magnified the great paunch and his evil face. "You in there. This is Edgar Lacy. You've killed two of my men in the last hour an' that makes four Diamond T punchers killed by the Rafter C today. Under the law that makes you murderers an' when Sheriff Leary gets here you'll be taken to Calavada City on murder charges."

The Calhoun faction listened stonily as Lacy's grating voice broke the stillness of the tense atmosphere. "Now

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listen, boys, don't get yourself hung because of an oldtime squatter like Calhoun who is tryin' to get you killed over water that don't belong to him. Get smart, come on out with your guns in their holsters an' I'll give you a head start on the sheriff plus free passage past our guns."

Within the barn Josh Calhoun made a lunge and grabbed Everhart, who, with white face and bared teeth, was drawing a bead on Lacy's belt buckle. "Don't do it, Les. Dammit. I told him he could speak his piece."

Lacy bellowed again, unaware how close he had come to meeting his Maker. "I'm not a patient man, boys, you'll have to hurry up an' make up your minds. These piney woods ranchers hereabouts can't do you any good so you'd better get wise an' take up my offer."

The embattled cattlemen in the barn were unsmiling. Calhoun turned to his cowboys. "Well, boys, it's up to you." Emphatic and blistering replies brought a rugged smile to Everhart's face. Calhoun turned back to the crack in the wall and his voice was part fury and part muffled thunder from behind the massive logs. "Lacy, the boys don't want none of you or what you stand for; I just asked 'em. Now duck for cover, you yellow livered snake, before you get one in the gourd." Lacy moved fast for a man of his bulk and once again narrowed eyes probed the eerie darkness for living targets.

Les Everhart turned to his neighbor. "To tell you the truth, Josh, I haven't had much heart for this fight up to now, but I'll be damned if I ain't hopin' to get Lacy over my sights before the night's over." Josh watched silently as Everhart mounted the loft stairway. He hesitated briefly, not knowing what Everhart had in mind, then motioned to Jeb and Buff to follow his friend.

Everhart raised himself cautiously onto the barn roof. Josh followed suit along with Jeb and Buff. They flattened themselves and studied the shadowy yard below. Over toward the house, huddled against one wall three men were building a small fire. Les Everhart saw them first and whispered to Josh. "Plannin' on burnin' us out." Josh nodded solemnly as he brought his Model 94 slowly to his shoulder. The four Rafter C defenders aimed carefully and fired. Two of the Diamond T men fell across their little fire and smothered it with their lifeless bodies. The third man lost his hat and dropped his rifle in a flurry of flashing bootheels and jangling spurs.

In response to a muffled shout from below, the men on the roof went back down into the barn. The Diamond T men had succeeded in building a fire at the rear of the barn and the men inside alternately fired through the thick walls at the closing in attackers and tried to dump water from the watering trough between the logs so that it would run down onto the fire. The flames mounted steadily despite the desperate efforts of the defenders to beat them down. A ragged hole appeared in the log siding and the smoke billowed into the barn. Buff knelt to fire through the swirling, choking smoke at a shadowy figure outside. A rifle cracked from beyond the smouldering wall and a slug struck the Rafter C cowboy squarely between the eyes. A violent welter of orange flame stabbed out of the darkness and the roar of guns scattered the Calhoun faction as lead whined into the breached barn.

CAL WAS badly hit in the left leg, well above the knee. He crawled toward the jagged hole eaten by the fire and hunched there, sweat streaming from his forehead and dripping into deadly, slitted eyes. Stealthily a hunched over shadow approached the barn through the smoke, rifle thrust forward. Cal waited with stinging, bloodshot eyes until a red headed body was easily discernible in the whitish gloom then, when he heard the man cock his pistol, he fired; levered and

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fired again. The bulky shadow sunk to the ground and threshed violently, cursing and groaning, a bullet in each leg.

By soaking saddle blankets, coats, horse blankets and sacks in the watering trough and throwing them recklessly onto the burning logs, the Rafter C defenders managed to halt the advance of the fire, but the smoke was still so thick in the barn that the men had to dampen rags and handkerchiefs and knot them over their faces. Red-eyed and choking, the Calhoun faction fought on with the tenacity of mountain lions and the crescendo of gun fire was deafening both within the barn and without, where the remains of the Diamond T fought viciously for the bounty promised them by Lacy.

When the hissing rags on the burning logs were throwing out a cloud of grey white smoke and the firing had died temporarily because of poor vision, Jeb Calhoun slipped through the burned out hole and disappeared in the darkness beyond; his lean, whipcord frame and strong, hard face alight with resolve.

When the smoke lessened a trifle and the gunfire was coming intermittently out of the darkness again, a furious racket broke out amidst shouting from the darkness beyond the charred rear of the barn. The men in the barn strained their eyes and made out two forms backing toward the barn. One was Jeb Calhoun, his powerful arm locked around Lacy's fat neck, his cocked .45 thrust out in front of the struggling Easterner. Lacy's men feared to fire and yet they wanted to take a chance on hitting Calhoun the worst way. Lacy dead, to them, meant no bounty payments, yet if he was taken into the barn he wouldn't live anyway. The Diamond T indecision was all that Jeb needed for the few moments required to get back into the barn.

Back again with his own people, Jeb holstered his gun, whirled Lacy around and swung from the ground, all in one smooth movement. The Diamond T owner shot across the barn and collapsed in a heap at Joshua Calhoun's booted feet. "There's your sidewinder, Paw; wake him up an' teach him how us piney woods ranchers treat a renegade."

Joshua Calhoun helped Lacy to his feet. The fat Easterner shook his head and rubbed his jaw. He looked at the grim and grimy cowmen in the barn and read no mercy on their tear and sweat stained faces, drawn with fatigue and tension. "Now listen, Calhoun, we are the same kind of men, you an' me." The words came tumbling over each other. "We can get together an' settle this thing like business men should."

Calhoun stood straight as a lodge pole and his eyes never flickered or left Lacy's white face. "Lacy, do you have a gun?"

The Easterner looked down at his expensively hand carved holster. Jeb Calhoun slipped a gun into it. "Yeah, Paw, he has."

Josh's eyes were wide. "Then use it!"

Lacy managed a lop sided grin. "Listen, Calhoun—."

Josh's lips curled. "Don't talk, Lacy, just fill your hand!"

Lacy still made no move toward his gun. Calhoun relaxed a little but his fingers hovered talon-like over his own sheathed six-shooter. "Your kind are a stain on this land, Lacy. I don't even like the idea of seein' you buried in the clean soil. I pioneered my ranch an' I've fought Indians, Mexicans an' bandits to keep it, but never have I fought a worse specimen of a renegade than you. Now go for your gun, Lacy, or I'll kill you in cold blood. It ain't no disgrace to kill a varmint in cold bood, an' you got less decency in your filthy carcass than any varmint I ever seen. Draw, Lacy!"

Lacy looked at the cold faces around him. "These henchmen of yours will kill me before I have a chance." There was desperation bordering on panic in the Easterner's voice.

Josh Calhoun shook his head. "Out

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here we give even a gila monster an even break. If you kill me, Lacy, you can walk out of here a free man." Lacy saw the soft nods of the Calhoun faction in the eerie light. He swung back to Calhoun, hoping to catch the old rancher off guard, and went for his gun.

Two shots roared and thundered in the barn. Joshua Calhoun went down with a bullet in his left arm high up near the shoulder. Lacy was bowled over backwards by the close range force of a .45 slug in the chest. He rolled over, raised his gun and Joshua Calhoun snapped a quick shot from his knees that tore into the head of the Easterner.

After the fight in the barn, the Diamond T figured that Lacy was done for anyway, in which they were correct, and opened fire again. Les Everhart was hit in the left forearm when he attempted to raise off the floor for a shot.

Jeb Calhoun's disposition, none to good at best, was not improved upon when a 30-30 slug ricochetted off of the log siding and burned a bloody groove across his shoulder blades.

The battle settled down to a grim contest of kill or be killed. The combatants had lost track of time and only when the sky turned pink on the horizon did they realize that the fight had lasted all night.

The defenders of the bullet scarred barn were grimy, redeyed and bewhiskered. To one another they looked weary, with blood-shot eyes and deep lines of physical exhaustion etched deeply into their features. The tenseness of each jaw, however, and the resolution in each eye was indicative of a fight to the finish.

WHEN THE sporadic firing was at one of its intermittent heights of deafening activity, another sound came to the ears of the attackers and they ceased firing in order to hear better. Prevented from hearing this new noise because of their fortress-like log walls, the Rafter C men were puzzled by Diamond T silence. Suddenly, borne to the ears of the Calhoun faction in the grey, gutted wreckage and silence of the gaunt old barn, came the sound of furiously galloping hoofs.

Josh Calhoun looked over toward Les Everhart who, in pain, was standing solidly in the middle of the barn, rifle cocked and ashen faced. "Reckon Tim Leary is arrivin'."

Jeb Calhoun peeked through a knot hole in the barred doors. "Yeah, it's the Sheriff an' it looks like he has half of Calavada County with him."

The remnants of the Diamond T made a run for it. They scurried to their horses and lit out in a dozen different ways on a dead run. The posse split up with an exultant shout and took out after the fleeing gunmen while Sheriff Leary and a dozen or so irate citizens rode toward the barn at a walk, shouting who they were as they came on.

Tim Leary's lined face was grave when he walked through the burned out back of the still smouldering barn and stepped over the body of Buff. "Well, Josh, it looks to me like that feller Lacy wasn't near as smart as I had him figured."

Calhoun's back was straight as he faced the sheriff. "How do you mean?" The Sheriff shook hands with Les Everhart. "If he hadn't sent for me to come out here an' arrest somebody or the other, I never would have caught his outfit in the act of trespassin' an' attackin' your outfit. By the way things stand now, it's Lacy who's in pretty bad trouble an' not you fellers."

Josh Calhoun snorted drily. "Well, it ain't goin' to bother him none anyway."

As soon as the Sheriff's posse had cleared the field of Diamond T men, Jeb, Cal and Les Everhart went limping and cursing among the outbuildings and dragged the Diamond T dead out into the open and laid them side by side. When Calhoun senior and the Sheriff came up, Josh recognized the

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red headed gunman and five others who had been with him at the morning's ambuscade when Pete was killed, lying side by side. There were no living witnesses, so far as the law knew, to the earlier skirmish on Diamond T range.

When Josh Calhoun went over to the pump to splash a little water onto his face, Sheriff Leary followed him.

"You know, Josh, I figured the next time we met I'd be on one side of the law an' you'd be on the other side."

Josh Calhoun deliberately splashed cold water in large handfulls toward the Sheriff. "Well, sir, sheriff, I sure hate to disappoint you, but you caught them bushwhackers red-handed an' all we were doin' was protectin' our rights."

The Sheriff gave an extra hard jolt to the pump handle and the cold water gushed out and splashed over Calhoun's head and down inside his shirt. "Yeah, I know. I've got them dead to right, but how about the trespassin' an' killin' that happened this mornin' on Diamond T range?" The Sheriff's face had a worried look. "Lacy sent for me on that account. He claimed that your men were trespassin' on Diamond T river frontage an' fought his men on Diamond T land."

Joshua Calhoun deliberately ran a heavy bone comb through his mop of grey hair. "I reckon you'll have to ask Lacy about that, Tim. You see, he's the one who filed the complaint an' it's up to him to prove it."

Leary nodded and began to roll a cigaret. "Yeah, I reckon you're right. I'll have to look him up."

Calhoun reahed for the Sheriff's tobacco sack. "He'll be easy for you to find, Tim, he's in the barn with a couple of Calhoun slugs in him."

The Sheriff studied the Diamond T men closely. One of them he knew as a local badman, but the others were strangers and apparently all were imported gunfighters. He walked slowly over to the sun drenched front of the barn where Josh, Les Everhart and the rest of the blood stained Calhoun faction were undergoing patching up by the possemen. "Josh, Lacy'll never tell me anything and neither will his imported gunmen."

Calhoun nodded knowingly. "Tim, there ain't a single Diamond T man left who can tell you anything; if you mean about Lacy's claim to this mornin's supposed battle."

Sheriff Leary nodded thoughtfully. "I sort of figured it at that way when we were talkin' over at the pump." He raised his eyebrows and studied Calhoun's face. "Are you plumb certain, Josh?"

The rancher nodded emphatically. "Plumb certain, Tim."

Sheriff Leary relaxed and turned to Les Everhart. "I'm goin' to give you two fellers a little advice. Now that Lacy's out of the picture the Diamond T will very likely go under the hammer an' when it does you two ring tailed old hellers had better be up there in the front row biddin' on that damned Thunder River frontage. If this ever happens again, maybe you fellers won't be so all fired lucky."

Everhart and Josh Calhoun snorted. "Don't worry, Tim, we'll buy our water as soon as the Diamond T goes up for auction, but if this ever does happen again, you just remember to stay out of the way because you're a might up in years fer our kind of fightin'."

Sheriff Leary swore mildly as his eyes crinkled at the corners. "Why, you old duffers, if I hadn't come along you'd of been salted down with the beef by now."

Amid hoots and jeers from the Rafter C and Stirrup Slash the Sheriff walked towards the possemen with a bored grin on his face. "Slim, you an' Clint stay here until the coroner arrives, then join us over at the Diamond T. We're goin' over there to round up any hard cases Lacy may have left lyin' around." He waved a gloved hand at the rest of his posse and they fell in behind him as he jogged out of the Rafter C yard.

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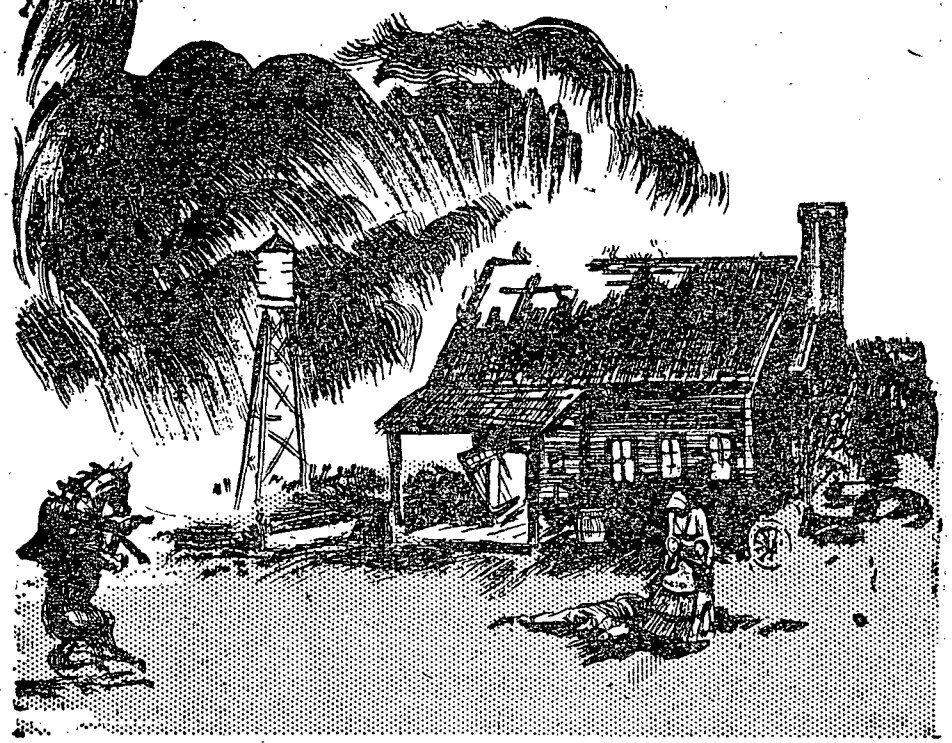
CATTLEMAN'S COURAGE

Youner loved a fight, and he was determined to drive the cattlemen into attacking him; after all, the law was on his side, and he had more guns siding him . . .



By J.J. Mathews

CLEM YATES, mending harness at the bench beside the barn, suddenly looked up when he caught the sound of galloping hoofs on the road in front. Ordinarily, a quick glance would have satisfied him, for Ben Abbot was ever a hard rider; but this time, there was something about the way his reckless partner sat his horse that called for a second look. A moment later, Ben whirled the animal through the open gate in a cloud of dust, then dashed up to his partner and swung to the ground.

"Thar's a band of sheep over Jackpine River!" he shouted.

"The hell you say!" exploded Clem. "Where at, and who's bustin' the agreement?"

"They're at Alfalfa Flats. I was over thar lookin' for that bunch of yearlin's that got away. I come—"

"Who busted the stockmen's agreement?" Clem interrupted. "Omaha Jake?"

"No, it wasn't Omaha. Yank Lee says it's a new feller; a plumb stranger around here. I run onto Yank comin' home. He says the band crossed the deadline two-three days back, and they've been workin' down this way ever since. About two thousand head, and Mexican herders! Damn hard-lookin' hombres, too, Yank says."

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"Does Yank know this new chap's name?"

"Yeah! Youner. He's from Texas, Yank says, and a fightin' guy clear thru!"

"That's a heap worse than just plain bad news, Ben," said Clem gravely. "I knew about this guy, when I was a kid down thar. Everybody along the Rio knows about Seth Youner. He's a sheepman and a rangehog; and them herders just about settles it. He's an all-around bad actor, and we're in for real hard times, Ben, shore as shootin'!"

"I reckon we are," returned Ben. "Ranchin's just one damn thing after another! Ain't it the truth? First it's rustlers; then it's blackleg; then it's dried-up range in summer, and four foot of snow in the winter and kioteys at the calves; and now the cussed woollies drift in to clean up what's left of the range! I wish we'd just blowed in that reward-money—instid of takin' old Carlton's bum advice and buyin' a ranch with it—damned if I don't!"

Clem Yates' face lighted with a smile. Ordinarily, his partner was the most cheerful of companions; but Ben was afflicted with a pair of itching feet, and now, after a steady year and a half on their "new" ranch, with his safety-valve screwed down, Ben was all but ready to explode.

Had Clem been older and wiser, he might have sensed a certain danger in this condition of mind; as it was, he was merely amused. So he spread his long and slightly-bowed legs a bit, calmly rolled a smoke, and smiled down at his scowling friend.

"Cheer up, ol' hawse!" he said lightly. "We've still got the ranch, and the cattle—four hundred head of 'em—and thar's a few hundred bones left in the bank. Better put yore hawse up. We'll feed ourselves some supper; then we'll ride over to the Lazy Bar and see what John Kimball thinks about this sheep business."

"I don't reckon you're countin' on seein' Gerta, at all!" grinned Ben.

"You'd better can that line of talk!" rejoined Clem shortly.

"All right," agreed Ben; "I was just a wonderin'. Anyhow, maybe we'll find old Carlton over thar. The paper said he was comin' some time this week."

"I hope so," returned Clem. "Looks like there is going to be a fight—a regular range-war, maybe, and we'll shore need Carlton's advice. Even if he did give us a bum steer when we bought the ranch," he added, grinning.

In speaking of "that reward," Ben Abbot had referred to an episode which was not exactly an unmixed credit to himself and Clem Yates. Briefly, these two young cowboys, finding themselves broke and out of a job at the beginning of winter—and smarting over the fact that they had been swindled out of their summer's wages—"borrowed" four good horses from the Lazy Bar and set out to rob a train. They had weakened, however, when they found the train stalled by a washout, and the passengers half-starved; instead of pulling off the robbery, they ended by turning their own ample supply of provisions over to the famished travelers.

Quite by chance old Carlton, president of the railroad and owner of the Lazy Bar, had been a passenger on this train, and was accompanied by his niece, Gerta Kimball, daughter of the ranch-foreman, and Clem's sweetheart. Following a welcome supper from the donated provisions, Carlton had taken up a collection, and was about to present the money to the boys, when, without the slightest warning, the notorious Lopez gang of outlaws sprang from the bushes; killed five men; robbed passengers and express car, and disappeared into the night.

ON THEIR way home, the two boys lost their way in the moun-

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tains, and by sheer accident stumbled upon the outlaws' rendezvous. After some discussion they decided to attempt the capture of the bandits; taking them completely by surprise, they managed to kill three of the six—including the leader, Ramon Lopez. Two of the others they captured, while only one got away.

Clem Yates had been wounded in the battle, but by heroic efforts they finally won back to First Hope City with the dead men and prisoners, and the loot taken from the train. Clem had recovered at the Lazy BQ; when the eighteen-thousand-dollar reward was collected, the two men had taken Carlton's advice and bought a small foothills ranch adjoining the big Lazy BQ.

In a sense, the Lazy BQ was a mere plaything for Carlton, but he took immense pride in it. It was his chief source of recreation, and he was in no mind to be put out of business by sheep. Once before, a war of this sort had threatened; but after a dozen men had been killed, a compromise had been affected—by the terms of which the sheep-men agreed to keep to the east of a deadline, and the cattle men to the west. Carlton had been the prime-mover in bringing about the settlement; so, quite naturally, cattlemen now looked to him to find the solution to the present problem.

Weeks before Ben Abbot discovered the sheep on Jackpine River, Carlton had known that trouble was pending; information had come to him that two whole train-loads of the Youner sheep had been unloaded at a certain siding on the east side. This section was already overstocked with sheep; knowing Youner's reputation as a range-hog, it seemed certain that the sheep-king had his eye on the First Hope cattle-range. Soon or late, the issue would have to be met.

Carlton had therefore set a watch on the Youner sheep, with the result that within twenty-four hours of the time when the first band crossed the Deadline, messengers from the Lazy BQ were galloping in all directions to arouse the far-scattered cattlemen and summon them to a meeting at the ranch.

By chance the couriers had missed Clem and his partner; so it was something of a surprise when they arrived at the ranch to find perhaps a hundred saddled horses grouped about the front gate. The two joined the grim-faced men gathered about the big front porch, and presently Carlton mounted the steps to make a brief speech.

He had had two reliable men watching things for more than a month, he told, and he now knew exactly the sort of man they had to deal with. Youner had gutted the range in his own section of Texas; there was no questioning the fact that he had deliberately planned to invade the First Hope grazing-country with at least eighty-thousand sheep.

Already he had established a village at the base of the mountains on the other side of the Deadline, and had brought there over a hundred desperadoes—most of whom had belonged to bandit-gangs below the border, and had prices on their heads.

"And the worst of the matter is," he went on, "when it comes to the technically-legal part of it, Youner has the law on his side. His plan is, of course, perfectly transparent; he has driven a single band on to your range, with the certainty that it will start a fight. He knows the sort of men you are, and he isn't fool enough to imagine that he could beat you in a fair fight.

"He has enough hard men to put up a desperate battle, however—and keep it up long enough to attract the attention of the entire state. Then he expects the Governor to take a hand and call out the militia; following that, the whole question will have to be threshed out in court. And Youner expects to win there!

"Now I have—I think—as much

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respect for law as the next man; but I have also a lot of respect for the pioneers who fought the Indians off, dug this country out of the wilderness and made it a fit place to live. Your homes are here; the range is the breath of life to you. Without it, you would starve out in a year.

"And the sheep mean the end of the range for cattle, as you all know. You'll have to abandon your homes and sneak out of the country. And that means—with Youner running things—that this whole First Hope country will become a paradise for a lot of desperadoes. Make no mistake, men; you've either got to fight hard and soon, nip this thing in the bud, or run away with your tails between your legs and turn everything over to Youner and his renegades. That is all I have to say."

A cheer went up as Carlton stepped down. Other speakers followed and in the end an organization was whipped into shape and named The First Hope Cattleman's Association. It was agreed that open hostilities must be avoided if possible; to that end Carlton was selected to interview Seth Youner at his headquarters in Baritan.

BARITAN lay on the east side of the Deadline, seventy-five miles by stage from First Hope and next day Carlton called on Youner at his office:

"You have no doubt guessed my mission here, Youner," Carlton suggested. Youner shook his head.

"You flatter me, Carlton," he said, flashing a canine smile. "I haven't the remotest idea what brings the president of a railroad to my humble office."

"I understand that a band of your sheep has crossed the Deadline and are now in the First Hope country," said Carlton, gravely.

"Quite likely," admitted Youner. "Why not?"

"You are no doubt aware," said Carlton, "that this is a violation of an agreement, entered into some six or seven years ago."

"I have heard of such an agreement," rejoined Youner, quietly, "but I never was a party to it; my lawyer tells me that it has no legal standing, whatsoever."

"Granted," said Carlton promptly. "But isn't there a moral side to the question? The cattlemen went through a lot of danger and hardships to establish their homes there; sheep will ruin them. Do you expect them to lay down without a fight?"

"I am no such fool, Carlton," smiled the sheep-king. "But fighting is the least of my worries, my friend. It is really my principal—well, recreation, so to speak."

"There is, then, no use to talk about the matter, I suppose?" said Carlton, rising slowly.

The sheep-man leaped to his feet. "None whatever!" he said sharply. "There is no sentiment in business, Carlton, and I simply stand on my legal rights. And get this straight! The First Hope country is ninety-five percent Government land. It is free grazing territory, open to any man—cattle, sheep or horses—if that man conforms to the law. It is the cattlemen that propose to make their own laws; before I'm through with these cocky bullies and bluffers, they'll sing another tune! Start your music, brother, as soon as you like. Good day, sir!"

Carlton eyed the other appraisingly for a moment, then made his way slowly out and down to the street. A compromise was wholly impossible; nothing could be more certain than that. Carlton so reported next day to a crowd of men in the *Silver Ring Saloon* in First Hope. News of Carlton's arrival spread swiftly; within the hour, fully a hundred men gathered about the big front porch to discuss the situation.

Carlton had given them the gist of his talk with Youner, when Yank Lee arrived to report that one band of

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sheep was still in Alfalfa Flats; but no more had crossed the Deadline, so far.

This was both good and bad news. It would be a simple matter to dispose of a single band of sheep; the probability was that there were no guards other than the two Mexican herders. On the other hand, it seemed to show that Youner was playing his cards shrewdly; this one band was merely bait, intended to force upon the cattlemen the responsibility for the first act of violence. There was no such thing as dodging the issue, however; lots were presently drawn and twenty men selected to escort the sheep across the Deadline.

At sunrise next morning, heavily-armed and provisioned for an extended trip, the party set out for Alfalfa Flats. Clem Yates—principally because of the part he had taken in the cleaning up of the Lopez gang—had been chosen captain of the company. The men were well-mounted and made good time; shortly after noon, they topped a hill and caught sight of the sheep. Circling the sheep on both sides they worked completely around them, but failed to find the slightest trace of the Mexicans. It seemed clear that the herders had been under orders to abandon the sheep, in case they were attacked—and equally clear that they had hastened away, taking their dogs with them. It was too late in the day to begin the drive over the mountains, so they decided to gather the sheep and camp for the night at the herders' tent.

WITHOUT dogs it was real work to gather the now far-scattered band; but there were plenty of men, and in the course of an hour the flock was bunched and driven onto the bed-grounds beside the creek. Then, to quote Clem Yates, "Hell broke loose!" The sheep, sniffing and sneezing and bleating wildly, tore crazily about the flat and finally stampeded in every direction into the hills. The men looked on in helpless amazement, while they gathered slowly near the tent.

"What t' hell happened?" someone queried loudly.

"Pepper!" cried Clem. "Red pepper! Pounds of it, scattered everywhere on the bed-grounds! Them herders done it."

"Pepper their own sheep? You're full of hop, man!"

"Maybe so," rejoined Clem, "but listen. Them woollies will never stop runnin' as long as that pepper burns their snoots; by mawnin' some of 'em will be ten miles from here. It will take a dozen men a week to bunch 'em agin, and there'll be maybe half that nobody will ever see again.

"And then, how do we stand? We come here to run the sheep out of the country; everybody knows that. Youner will lay the pepper-racket onto us, swear that we red-peppered the bed-grounds, and we can't prove we didn't do it. Pretty slick, I'd call it! He puts us in bad, right at the start; that gives him an excuse to strike back. And that's exactly what he's been playin' for, all the time. There'll be blood on the moon, men, before this thing is settled!"

THE *Silver King* had been for many years the unofficial headquarters of the cattlemen in the First Hope range-country, and stakes often ran high.

Here, on the second night following the scattering of the Youner sheep, cattlemen from fifty miles around gathered to drink and gamble and damn the ways of the hated woollies and their owners. The night was hot; doors and windows were wide open; play at the tables was running high, as it always does in times of excitement.

There was dynamite in the air, too; at the end of the bar next the front door, stood Youner himself, drinking heavily and swapping banter with the gang—the kind of banter that always

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preceded a fight in the oldtime cattle-country. As yet there was no sign of hostilities apparent; but the man's very presence at such a time was a challenge and a measure of the Youner nerve which was well known to all.

The sheep-king was a man to command a second look in any crowd, in any country. Nearing fifty; tall and straight as a ramrod with a blue jowéled jaw; constantly clamping a cigar; the polished ivory stocks of two forty-fives swinging at his hips—everything branded him as a man to be let severely alone—unless you were looking for trouble and didn't care how hard or soon it came.

In the beginning, Youner pretended to make a joke of the scattering of his sheep; but minute by minute the banter grew more pointed and menacing; the crowd massed in front of the bar as the gaming tables were deserted. It was a question of one insulting remark and the ball would be on.

Long experience had taught Art Hammer, shrewd owner of the *Silver King,* that the best way to handle a hostile situation was to put out the lights before the fight began. He therefore watched closely from his post beside the far end of the bar; when at last the lie was passed, he gave the sign and the lamps were put out. With his mind on the till, he had waited a thought too long, however.

Came the spiteful snapping of six-shooters, with spurts of fire flashing in the darkness. Pandemonium broke with a blast of profanity and the hurried clatter of heavy boots on the floor. In a way, the advantage all lay with Youner; the lone fighter may shoot with confidence into the dark, while the crowd must be mindful of friends in the line of fire.

For this reason, men who would have stayed to fight it out unflinchingly in the light, ran through doorways; rushed to the shelter of the bar; leaped head-first through the windows—anything to get away from a danger they could not locate in the gloom.

Almost in a breath, it seemed, the big room was clear, and silent save for the muttered complaints of wounded men. Presently Hammer and his night tender rose cautiously from behind the bar and got a couple of lamps going, as the men came straggling back into the room. A brief examination showed that three of the five men on the floor were dead, the others badly wounded.

Nobody could understand why the sheep-king should have pulled off such a stunt, unless from the sheer joy of a fight. The thing seemed without point or sense, but in the end one thing appeared clear enough: Youner had known about Hammer's habit of putting out the lights to forestall a fight, and had laid his plans accordingly.

He had dropped to fire from the floor the instant the lamps went out, and no doubt had escaped without a scratch. At any rate they had had more than a taste of Seth Youner's metal; nothing could now be more certain than that the range-war was just beginning. Blood had been spilled—the blood of cattlemen; the fight would be to a finish, with no quarter asked or given.

WHEN THE lamps were lit, Clem Yates joined the crowd near the bar, and helped carry the wounded men around to the hotel. This matter attended to, he had time to remember that he hadn't seen Ben Abbot since long before the fight. He felt morally certain that his partner had not been present during the battle; he was more peeved than alarmed, for it was growing late and high time to be starting for home. So he set out to make the rounds of the other resorts, shaping a pointed lecture for his irresponsible partner when he found him.

But there was no Ben, nor could he find anyone who had seen his fat

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partner since early in the evening. Still he was not really alarmed; and, as the stock must be looked after shortly before daylight, he mounted his horse and set out for the ranch, twenty miles away.

Arriving sometime after sunrise, he stabled his mount and attended to his morning work, ate a scanty breakfast and stretched out on the lounge to catch up with his allowance of sleep. Rising in mid-afternoon, he knocked together a bit of lunch, and attacked the neglected wood-pile. Expecting Ben to show up at any minute, he became thoroughly-frightened when night came on and he failed to arrive.

Somehow—he could think of no earthly reason why—Seth Youner's face kept coming before him. An image of everything about the man—his cat-like eyes, his crooked smile, the polished stocks of his six-shooters, even his spurs, seemed burned into his mind like the brand on a steer.

At last Clem sprang to his feet, ran to the barn to saddle and mount his best horse; and at half past ten stepped into the *Silver King*. But nobody had seen Ben Abbot. Hammer suggested that Ben had simply gone on a spree, but Clem answered that this was extremely doubtful; when Ben took to his cups he invariably left a trail that a deaf-and-dumb man could follow blindfolded.

IN COMPANY with the Marshal, Clem spent half the night searching the town, only to have to give up at last and turn the matter over to the marshal. Returning once more to the ranch he put in two miserable days without tidings from his friend. On the third morning he could stand it no longer, so he roped a horse with intent to ride to First Hope at once.

Clem led the animal into the barn and had just thrown the saddle on his back when he caught the clatter of hoofs in the road. He glanced through the door, and a wide smile lighted his lean face. Then suddenly he sobered. His partner was riding a strange horse. Ben rode up and dismounted without a word. Something had gone radically wrong, there was no doubt about that.

"Well, Clem," he blurted out, "I reckon I done spilled the beans at last. I done one hell of a trick, and I've come to own up as near like a man as a rotten cur can do it. I sold my half of the ranch!"

Clem, speechless, could only stare at his friend.

"It's the truth, Clem," Ben went on, scarcely above a whisper, "and I haven't told you the worst of it. I sold to Seth Youner!"

"To Youner? Good Lord, man!"

"Yes, I cain't hardly see yet how it happened, but I done it. There ain't any doubt about it, because I went to the records this mawnin' and read it myse'f."

Clem settled back on the manger to slowly roll and light a cigarette. Ben stared at the ground, silently scraping his boot in the dirt.

"How did it happen?" Clem inquired at last.

"I cain't tell you all of it," replied Ben, "because I don't know. But as near as I can remember, it was like this: A feller I didn't know come into the *Silver King* that night and told me Jack Knapp wanted to see me down to the *Longhorn Saloon*. He didn't know what Jack wanted, but I was just sucker enough to trail around thar to find out. Jack showed a fat roll and set up the drinks, then he said he wanted to buy the ranch. I thought he must be joshin'; but he told me his aunt had died back East and left him a lot of coin, and judgin' by the bundle he had on him I begun to think he meant business.

"Well, we had four-five drinks pretty quick, then we walked around outside and talked about the deal, and after while we had a pull out of Jack's bottle. And Jack's hootch must of been doped, I reckon, because I didn't rightly come to myse'f no more till I

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waked up in a strange room. I got up and slung my clothes on and went down to the street, and you can guess how I felt when I found out I was over in Baritan!"

"The devil, you say!" Clem exploded. "Have you any idee how you got there?"

"Not much. I went with Jack and another feller in some kind of a rig, and Jack had a bottle along. That's all I'm sure about. Anyhow, we had a couple of drinks, and then I begun to remember things a little. I'd been to a lawyer's office with Jack and the other feller, and I signed some kind of papers. Then they give me a roll of money; I played faro to the ceilin' and set up drinks to a lot of fellers and raised hell in general. It was a kind of haze in my mind, but I was sure of that much. Also I knew I was broke, because I frisked myse'f a-plenty and couldn't find a cent!"

"But you said you sold to Youner?" Clem reminded.

"I shore did, but I never found it out till Jack told me. Jack just made a kind of a joke out of the whole business, and finally told me that he was only workin' for Youner—which I'd of knowed right on the start if I'd had any sense. Jack 'lowed that Youner give him a hundred dollars and expenses to rope me into the thing. He said the paper I signed was a deed to Youner, so I looked up the records at the courthouse and found out he was right."

"How about the cattle?" Clem inquired gravely.

"The tail went with the hide," replied Ben, flushing to his ears. "Cattle and hawses and all; that's what the record said."

"YOU DON'T even know how much cash they give you, I reckon?"

"No idee—much. I looked around some, and from what the fellers told me, I reckon I musta had maybe a thousand dollars. The deed says ten thousand, but if they ever paid me that much, somebody stole it off of me. The big end of it, anyhow."

"Jack is a bigger thief than his boss," declared Clem. "Did the coyote come back with you, or is he workin' regular for Youner?"

"Jack's in the hospital over to Baritan," replied Ben grimly. "I beat up the skunk till you wouldn't know him! Then they throwed me in jail and old Carlton bailed me out. He lent me money enough to get home on, and I reckon that's about all I've got to say."

"It's a wonder you didn't shoot Jack," Clem suggested.

"I was too damn mad to shoot. I just bent my gun over his rotten head; then I stomped him into the ground till they pulled me off. They don't know for sure yet whether he'll get well. But Carlton's got a mighty pull over thar, so he got me out. For a while, anyhow!"

"Well," said Clem, "no use cryin' about spilt milk, and maybe everything will come out all right yet. What do you reckon Youner wants just a half-interest in the ranch for? Of course, he's playin' for a place to use as headquarters over here; but why didn't he come out in the open and buy us both out, if the ranch suited him?"

"Would you of sold to him?" demanded Ben.

"Well, no," replied Clem slowly. "not to any range-hog to start a sheep-ranch on."

"That's it, exactly!" rejoined Ben. "Youner knew dang well he couldn't buy a ranch anywhere in this country; that's why he set Jack after me the way he did. Jack 'lowed that Youner wanted our place on account of the big spring. It's located just right for him, Jack said, and he knowed just as well as we do that there ain't no more water anywhere in five miles. Jack 'lowed that now Youner's got my half, he'll just freeze

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you out. That's what made me smear him!"

"I reckon he could do it, all right," admitted Clem quietly. "A pore man's got mighty little chance when he bucks up against a man like Youner. But there's no use talking about that. What are you aimin' to do now?"

"Anything you say, Clem. I want to stay right here and do what I can to pull you out of this hole; and it won't cost you a cent but grub and smokes. I'm aimin' to be here when this thing comes to head. Looks like there's going to be a bloody range-war, and I'm aiming to have both hands into the pie, plumb to the elbow! I've quit being a damn-fool kid, Mister, and f'um now on the feller that plays me for one is going to find out something. I ain't just a-blowin', Clem; all I ask for is a chance to prove it."

"All right," agreed Clem, quickly. "I don't know how much I can pay you—maybe nothing at all. Anyhow, we'll just forget what's happened and see what we can do."

EARLY next morning Clem saddled a horse and set out for First Hope, leaving the ranch in charge of Ben. No possible good could come from his enforced partnership with Youner; the sooner he got out of it the better, so he was on his way to see the man and make some sort of a deal. He'd have to take the worst of it, of course, but anything would be better than the present situation.

To his surprise the sheep-king greeted him cordially, and smiled when he made a proposal to buy or sell.

"No," replied Youner, folding his arms and mouthing his cigar. "I don't want to buy, and I don't want to sell. I'll divide, split the ranch, however. Tell you what I'll do," he went on, reaching for a county map and poising his pencil. "You divide the ranch into two equal parts and I'll take my choice; or I'll divide it and you do the picking. What do you say?"

"All right," agreed Clem promptly, "you divide and I'll pick."

"Agreed," said Youner. Whereupon he outlined the twelve-hundred acre ranch on the map, then drew a zig-zag line, following the forty-acre lines from top to bottom.

"There you are, young man," said Youner, pleasantly, "take your choice."

Clem instantly noted that Youner's divisions left both the spring and the buildings on the west side of the line. This surprised him, for he believed all along that the sheep-king was after the water more than anything else; and here the man was offering him not only the spring but the buildings, too. There might be some trick in it, he reflected. Still, he knew, beyond the shadow of a doubt, which forty the spring and buildings were on, so how could there be any trick about it?

"Come, young man," Youner presently exclaimed, "my time is valuable; take it or leave it."

"I'll take the west side," returned Clem, impulsively. "But how about the cattle? I'd like to divide them, too."

"No," said Youner crisply, "when it comes to the cattle I'd rather buy or sell. I'll give or take four thousand dollars."

Clem had come with the idea of selling his share to Youner if possible, but the price was low and the young man was tempted.

"I'll tell you what I'll do," said Clem, finally; "if you'll take my check for two thousand and give me a year on the balance, I'll buy. That will just about clean up my bank account, but I'll take a shot at the thing anyhow."

"Very good," said Youner quickly. "And now we may as well hustle around to a notary's office, fix up the papers and get everything settled."

Two hours later Clem began his homeward journey in rather an optimistic frame of mind. But presently

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doubts began to arise. For one thing, the sheep-man had been altogether too easy to deal with. He was a crook; there simply must be something behind all this queer dealing with Ben Abbot and himself.

Too, he remembered now that some days back he had stumbled upon two men with a surveyor's tripod, evidently running a section-line in the timber, north of the ranch. They were on Government land, however, so he had thought nothing about it at the time; but now the incident disturbed him. In the end, he resolved to lay the matter before County Surveyor, Eric Leiber. It was night when he reached First Hope, so he took a room at the hotel.

THE FOLLOWING morning, Clem went to Leiber's office. After he had explained the situation, the official took down the numbers of the land and turned to his plats.

"This is what we call a correction-line," explained Leiber, pointing to the north line of the ranch. "There's a chance for a bad mistake; any cross-fences on the ranch?"

"Yes," replied Clem, with his heart in his mouth, "there's a north and south fence that splits the place square in two in the middle."

"Who built that fence?"

"I don't know. The ranch was made up out of a lot of homesteads, and the fence was there when we got the place. But what is a correction-line?"

"It's like this, Clem. Range-lines are like meridians of longitude: They get closer together as you go north, so that in order to keep the sections to approximately 640 acres it is necessary to make a new start at regular intervals. And this means that, along a correction-line there is a double row of section corner-mounds, with variable spaces between them. In your case the offset is 160 yards. But what particular difference would this make to you?"

"Just this!" replied Clem grimly. "If that line is moved 100 yards west, it leaves my buildings and the spring on Youner's land. And without them—particularly the spring—the ranch is hardly worth a song!"

"Youner undoubtedly knew what he was doing," said Leiber, with conviction. "So it seems like a clear case that whoever built that fence did his own surveying. He evidently found a mound near the spot where he supposed the corner to be, and jumped to the conclusion that there was no chance for a mistake. It's a common error with people who don't understand the business. I'm sorry, Clem, but I'm afraid that Youner has you up a tree."

"Thanks, Leiber; I reckon he has," said Clem rising to drag wearily out to the street. Thoroughly discouraged, Clem returned to his room and spent the next three hours in gloomy meditation. In the end he resolved to sell the stock, and quit the ranching game, once and for all, and try something else.

Having settled at last upon a course of action, Clem suddenly came to life; within the half hour, he was on his way back to the ranch. There was no sign of his partner about when he reached there, and the chores had not been done. A cold stove indicated that Ben had not been around for some time. Wondering a little, he built a fire and was reaching for the coffee pot, when he spied a sheet of paper tucked beneath it. It was a note from Ben, and read:

> Yank Lee was over last night and says Youner's outfit is bunchin' them sheep. I aim to ride over this mawnin' and see what's going on. Back before dark. Ben.

Clem was more than a little worried. It would be just like his headless friend to mix it with the renegades. There was also a strong probability that they would shoot the waddy down from ambush, if they got the slightest chance. He went to the door and looked out. A storm seemed brewing and the night was inky black;

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a moment's reflection told him hunting for his friend, under such conditions, would be sheer folly. So there was nothing to do but wait. It was not until next afternoon that he caught sight of Ben coming over the hill, north of the ranch.

AS HIS partner came closer, Clem observed that the horse was all but ready to drop from hard riding. Horse and rider were literally plastered with mud and foamy sweat; it seemed certain that, once more, something serious had happened. Clem hurried out to the gate.

"The cattle's gone, Clem!" Ben blurted out.

Clem settled limply down on the horse-block and dazedly took off his hat. "I couldn't find a head of 'em!" Ben went on tensely. "But I found the trail and follered it plumb to Cholla Arroyo. Then it got dark and I couldn't do nothing more, so I turned around and come back. Them long-rider curs drove yore cattle clean over the mountains, Clem, shore as hell! And that ain't the worst of it. Yank Lee's wife and the kid was burned to death last night!"

Clem sprang to his feet: "Yank Lee's wife burned to death?" he gasped. "And young Yank? How did it happen?"

"Nobody knows—exactly. Yank was gone to First Hope. I come past there this mawnin' and found the buildin's in ashes. I rode on down to the Leslie place and found Bo Leslie there. He said that Saul got up to shut the window sometime in the night, and saw the house on fire. So him and Saul forked their hawses bareback and loped up thar. The roof fell in just as they got thar. They couldn't do a thing, of course, so they went back home.

"They knowed that Yank left the woman and the boy thar, so they went back at daylight this mawnin', and saw that all the buildin's was gone. It looked mighty bad, because the fire couldn't of spread to the barn without somebody spreading it. There'd been ten or fifteen renegades messing around the country for two-three days; they looked around, and Saul found a spangle off'n a Mexican hat layin' under a tree in the yard, close to the house.

"That just about settled it. The rain had put the fire all out, so they poked around in the ruins and found —well, thar wasn't much left, but thar wasn't no room for doubt about the woman and young Yank. Bo said it was the awfulest thing he had ever seen!"

"Yank wasn't back when you was there?" inquired Clem.

"No, he don't know about it yet. I reckon hell's gonta pop right soon now!"

"Yes," agreed Clem grimly, "hell will shore pop right soon. The cowardly, yellow dogs! Burnin' pore folks out and fightin' women and children! That's the one shore sign of a rotten coward, Ben, and they've got to pay! Youner is at the bottom of it, and he's got to pay, too."

"Yes," said Ben dully, "I reckon they've got to. How did you come out with Youner?"

"He just about cleaned me, bankroll and all," replied Clem shortly. "I'll tell you all about it later on. We've got to get out of here. Not a mite of use to hunt the cattle, and there's nothing left but the hawses and farmin' tools. I'm aimin' to pack everything this evenin' and pull out for the Lazy BQ first thing in the mawnin'. I'm takin'—"

"Somebody comin'," Ben interrupted.

CLEM GLANCED up and saw three riders topping the hill to the north. As they came close he noted that two of them were heavily-armed Mexicans, the other a young girl. The latter was dressed man fashion—cowboy hat, flannel shirt, open at the throat, chaps and high-topped boots, with a vicious looking sixshooter at her hip. Her face was high-col-

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ored and thin, her hair a deep red.

"Hello, Ben Abbot!" she exclaimed, brightly. "You didn't expect me over here quite so soon, I reckon?"

The girl swung lithely from her horse. Ben grinned prodigiously. "Well, no, Miss Anita, I didn't," he admitted. Ben and the girl, paying no attention to Clem and the Mexicans, chattered on until Clem gleaned that Ben had stumbled upon her camp at Jackpine River, and had taken dinner there the day before. It seemed, too, that they never had met before, and Clem began to sense a romance.

At last Ben came to himself and introduced Clem to the girl in his own fashion: "Miss Youner," he smiled, "mitt my pal, Clem Yates."

The girl put out her hand as a man might have done. The name rather jarred Clem for a moment, but he liked the sturdy grip of her handclasp.

"Yes," said the girl, as she released Clem's hand, "I am Seth Youner's girl, all right, but don't let that worry you."

"Miss Anita and her old man don't hitch any too good," Ben explained. "She's onto his curves, believe me! But say, it's getting mighty near dinner time. Let's go in the house and feed ourselves. We've got spuds, Miss Anita, and some yearlin' beef and one-thing-another."

"Sure, I'll eat with you!" returned the girl quickly. "We have lunch along, so Pancho and Ramon can eat out here." Turning about, she spoke a few words in Spanish to her escort, then Clem led the way into the house.

"Bring on your spuds, men," she said briskly, rolling up her sleeves. "Just look as pleasant as you can, and obey orders; I'll have the hash on the table in no time."

"Things ain't none too clean around here," said Ben hesitatingly. "You better just set down and let Clem and me scour things up a little."

"Scour nothing!" exclaimed Anita "I've batched a heap myself. Bring on your spuds and rustle that beef Where's your coffee and your biscuit makin's? Here you, Clem, get busy and build a fire, and I'll show you some biscuits what is."

Thus the girl took command, driving Ben to the cellar to get the spuds and helping Clem with the fire. Then chattering brightly, she peeled potatoes and mixed biscuits, made coffee and put the beef on to fry, and within the hour they sat down to what Ben called a "plumb nifty helpin' of hash.'

"You wouldn't hardly take me for Seth Youner's daughter, would you?' the girl presently asked, smiling across at Clem.

"Well," Clem temporized, a bit embarrassed, "I don't know as I would. You are altogether—"

"Different!" Anita supplied. "I hope so, anyhow. Dad and me—"

"He locked her up for a solid month, last summer," Ben put in. "And all because she went to a dance without askin' him all about it first. And her twenty years old, mind you!"

"He sure did!" exclaimed the girl. "And I ran away this time, too. I'd heard a lot of talk, so I just came over here to see what's what for myself. Dad will be wild if he finds it out. He'll just about skin Pancho and Ramon alive!"

"Anyhow, I know how he treats his Mexicans, and that's enough! You wouldn't believe the way he beats 'em up when he gets mad. Especially Jose, his body-servant. I don't see why Jose stands for it. Just afraid for his life, I suppose. But the worst of it is, he says he ain't responsible for what the Mexicans do when they get drunk. Some terrible things happened down south when they got drunk, but Dad says he isn't to blame for it. I can't see it that way at all. Sometimes I get the idea that he isn't really my father, but—oh, I suppose he might

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have been different if my mother had lived, but she died when I was only a child."

The girl fell silent and Clem wondered if he ought to tell her about the Lee tragedy. Ben saved him the decision. "Something terrible hap- just last night, Miss Anita," he said.

"What was that?" the girl asked.

"The Lee house, over the hill about five miles, burned last night. Lee's wife and boy was burned to death. They found a Mexican hat spangle under a tree close to the house."

The girl went deathly white. "Oh!" she faltered, rising slowly with her hands over her eyes.

"I'm sorry I told you about it," Ben hastened to say. "It just sort of busted out, Miss Anita. Set down and finish yore dinner; we'll talk about something else."

"Oh, I just couldn't!" exclaimed the girl, passionately. "I'm going right over there and see for myself."

"I'll go with you," Ben interrupted.

"No, no! I don't want you to go!" rejoined Anita as she whirled to pick up her hat. "It wouldn't be safe. I know something now, something I only suspected before. Just tell me how to get over there, that's all. And listen, you boys get out of here as quick as ever you can. Join your friends down in the valley, and watch your step! I may be able to stop things, but I'm afraid I'm too late."

Ben gave her the simple directions to the Lee place and she dashed through the door. Clem and Ben, staring dumbly, watched her mount and gallop away, with the two Mexicans following close behind.

"That girl is shore some rider!" exclaimed Ben, as the little party disappeared behind the hill.

"I wonder," said Clem, "just what she meant when she said she could maybe stop things. I reckon Youner is about ready for business, and the girl knows it. We've got to get our stuff out of here plumb pronto and join up with the bunch. Every he-man in the county will be in First Hope by tonight. Come on, let's get busy."

WORKING swiftly, they loaded their more valuable possessions into two big wagons, and set out for the Lazy BQ with their extra horses leading behind. Shortly before sundown they reached the place, and found it deserted of everybody but the Chinese cook.

"Boy come heap fast on horse," the cook told them. "Horse heap wet. Jus' opteh dinneh he come. Ev'body jump on horse, ride like hell. Lotsa gun. Lotsa hurry-up-quick."

Thus in a dozen words cookie made everything clear enough, so they drove the wagons into the barn yard and turned the work stock in the corral, saddled their cayuses and galloped to First Hope. News of the burning of the Lee home and the death of the woman and child had thrown the town into an uproar. Everybody was in a fever of preparation for the expected battle with Youner and his army of renegades.

Old Carlton was directing things. He told Clem and Ben that a party of forty men in charge of Yank Lee was already on the way to the front, and expected to camp at the Leslie ranch. He hoped to have another party ready within the hour, he said, and needed Clem badly to help straighten out the tangle. A supply train of forty horses was being packed at the freight warehouse. Dr. Ohrsen was in charge there and Ben Abbot, much to his disgust, was ordered to proceed to that point and lend the doctor a hand with the tents and cots for an emergency hospital at the front.

With Clem Yates' help, Carlton presently got a party of forty-five men straightened out. Carlton took the lead, with Clem riding at his side. Toward morning they joined the other company at the Leslie ranch and settled themselves for a few hours' rest while

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they waited for the pack train.

At ten o'clock the train arrived, and after a quick meal Carlton called the leaders together to plan the day's operations. In the end six parties of ten men each were arranged and ordered to spread out fanwise to sweep a section of country at least five miles wide. They knew nothing of Youner's plans, had no means of knowing what lay ahead, so the key-note of the advance would be caution.

The remainder of the command, all picked men, Carlton sent ahead as scouts, with orders to keep well in advance of the main party. The country ahead was rocky and rough, and for the most part heavily timbered. A sturdy old log blockhouse, relic of Indian wars, stood on a rocky point near the mouth of Jackpine River canyon some ten miles ahead, and this would be the objective of the first day's drive.

HEADING a party of ten, Carlton and Clem spread them at shouting distance apart and advanced straight ahead. The others deployed right and left and the drive was on. Proceeding very slowly, in order to give the other parties time to reach their places in the line, they advanced cautiously.

Clem's thoughts presently turned to Anita Youner. He wondered where she was and what her cryptic remark had meant. Had she returned to the Mexican village beyond the mountains? Would she be able to "stop the thing"—whatever it was? He was on the point of speaking to Carlton about it when the sudden popping of rifle fire came from off the right. Carlton called a halt. They could hear distant shouting, more firing, then silence.

"Probably some of the boys ran into the sheep, with perhaps only a couple of herders along," Carlton suggested. "It doesn't seem to be anything serious, so we may as well push ahead till we hear something more." No more signs of trouble developed, and late in the afternoon they arrived without mishap at the mouth of the canyon. One of the other squads was there ahead of them, and others came straggling in. Presently Yank Lee came to report that he had encountered a band of sheep with four Mexican herders in charge.

"They opened fire the minute they saw us," Lee explained. "There was heavy brush all around, so I reckon they only saw one or two of us at first, and thought they could clean us out easy enough. We got all of the devils and came through without a scratch."

"That explains the firing we heard this morning," said Carlton. "I'm glad it happened to be you that found them, Yank," he added, significantly. "It must have been some satisfaction to get a chance—"

"It was!" Lee interrupted, grimly.

A scout came in to report the blockhouse free of the enemy. And since Youner had not seen fit to make use of its obvious advantages, it seemed certain that he would make his stand farther back in the mountains, so after some discussion they decided to camp where they were. A little later, the pack train arrived; supper was prepared and eaten; a tent was put some distance in the rear to serve as a hospital in case of sudden need. Then a heavy picket line was established and the main party gathered about a dozen campfires to rest.

Clem presently told Carlton of Anita Youner's visit at the ranch, relating what she had said and describing her hasty departure. Carlton, thoroughly surprised and somewhat mystified, wondered what exactly the girl had meant when she said she might be able to "stop the thing."

"I puzzled about that myse'f," replied Clem. "Nearest I could come to it she knowed something about

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Youner's plans, or thought she did, anyhow; my notion is that the whole outfit is layin' for us somewhere in the brakes up around Challa Arroyo."

"No doubt of it," agreed Carlton quickly. "And it seems clear now that every move Youner has made—the pepper-stunt with the sheep; the fight at the Silver King; the burning of the Lee home—everything was done with the idea of inflaming our crew to the point where we would not hesitate to attack him in his own stronghold. And such being the case—"

The sharp report of a rifle rang out near at hand, and a moment later a rider dashed into the far end of the camp-ground. In a breath every man in the camp was on his feet, rifle in hand. The rider had stopped in the shadow of some trees, but Clem and Carlton could make out the figures of the men gathered about the newcomer's horse. Then suddenly the group scattered, the rider came on to Carlton's fire and swung to the ground.

IT WAS Anita Youner, without her hat and fairly thatched with yellow mud. Her hair had fallen about her shoulders and had been tied once around with a string cut from a saddle thong. All color had left her face; her neck and right hand were smeared with fresh blood, and she appeared on the point of complete collapse. The men sprang to assist her, but she waved them away.

"No," she said, sharply, "I'm not going to faint. Don't think it! I came to warn you. The Mexicans are coming at midnight. They had orders just to hold the Arroyo, but they're crazy with whiskey and completely out of hand. My father isn't with them. They expected him before noon today, but he did not come. They don't know why—it isn't at all like him—something must have happened at Baritan. I did what I could, but the men were wild with liquor and I could do nothing with them. They put a guard over me, but I managed to get away."

"You've been hurt!" exclaimed Ben, "how—what—who done it?"

"One of your pickets," replied Miss Anita, with a wan smile. "But don't blame the man, please; it was all my own fault. I thought your guards would have more sense than to fire at a lone rider, so I came on like the wind and paid no attention to his challenge. Don't worry; I'm not hurt much. Just a scratch on my neck is all.

"But you must get ready! They will leave their horses a mile or so in the rear and attack on foot. They expect to find you in the blockhouse; that's about all I can tell you. They've been watching you all day with glasses, and they know about the herders you killed. So they're in deadly earnest, make no mistake about that! And watch your step; most of them came from bandit-gangs, and they've had all sorts of experience in this sort of fighting."

Carlton ordered Ben to escort the girl back to the hospital tent and make sure that the doctor was there to attend to her injury. "You are to stay there, too," he added crisply. "There'll be wounded men to care for, and the doctor will need help."

Ben led the weary girl away; Carlton called his leaders together for a hasty conference. The command was now divided into four parties. Saul Leslie with a squad of ten occupied the blockhouse. Clem Yates with twenty advanced to a steep hill beyond the blockhouse and concealed themselves among the rocks in the thick brush. Carlton and Yank Lee, with the rest of the command, occupied the brushy rising ground lying to the south.

Everything depended on surprise, so the one essential thing would be silence. Leslie had orders to keep a torch burning in the blockhouse,

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which would leave the attackers in no doubt as to its being occupied.

Clem Yates, from his place of concealment on the rocky point, presently saw Leslie's torch flare up in the blockhouse, and so knew that he was ready for the battle. The moon shone brightly, now well overhead. There was no wind, and the death-like stillness seemed almost a tangible thing as they waited in tense silence for the enemy's arrival.

Presently the snapping of a dry stick near at hand startled them almost as a rifle shot might have done. Came other sounds, the click of a boot on stone, muttered exclamations in Spanish when a dislodged rock clattered down the hill. Finally shadowy figures came, slinking along below them as the enemy found their positions among the rocks and trees.

THEY WAITED an age, it seemed; then, suddenly the ground shook beneath them, and the night-air crashed with the roar of a terrific explosion. The blockhouse seemed to leap in all directions into the sky, torn apart by the fury of the blast. The air was alive with flying timbers. A big log hurtled into a group of the enemy lying concealed below.

For a moment Clem looked down on the wild scene in stunned amazement, then suddenly came to his senses and shouted, "Fire!" The men responded on the instant. A blast from Carlton's side came like an echo. Most of the enemy, carried on by the momentum of the attack, took refuge in what was left of the blockhouse. A few rushed to the shelter of the brush beyond. Still others, apparently completely bewildered, turned to charge back, firing as they ran.

The men kept up a steady fire; the enemy answered from the mess of broken timbers that had been the blockhouse, ricocheting slugs whined viciously as they glanced from trees and rocks. Then fire broke out in the ruins, and presently a white handkerchief appeared, held aloft on a long splinter from a broken board. Clem ordered his men to stop firing, and a moment later Carlton's party fell silent.

Some twenty-five or thirty now rose from the ruins and threw their guns away as they advanced into the open. Clem led his men down from the hill, and Carlton's party quickly joined them about the group of prisoners. Wounded lay all about, crying out their misery.

The leader spoke in very good English.

"I am Diego Ortega, at your service," he said, removing his hat and bowing to Clem Yates, whom he evidently mistook for the boss. "To be sure, Senor, you give us the so great surprise! What iss it the Senor's pleasure to do weeth my friend and me?"

"What do you expect to do, if we let you go?" interposed Carlton.

"Ver' soon, Senor," replied Ortega bowing to Carlton, "we go back to our own contree, if the Senor so kindly permit. The Senor Youner iss dead, and—"

"Youner dead?" exclaimed Carlton, completely taken aback; "where is—how do you know this?"

"A courier breeng me the message, only one—maybe two hour ago. Truly, Senor, me? I try to stop thees fight. I tell my comrades it iss no use to fight—the Senor Youner iss dead. They not believe me that the Senor iss dead. Also, the men were wild weeth the liquor, Senor. They know about the herders which you keel, and they are what you call crazy for the revenge. Truly, Senor, I could not stop them!"

"How did Youner meet his death?" inquired Carlton. "Are you sure of your information?"

"Ver' sure, Senor. There is no question. He iss what you call dees-embowel weeth the stiletto, Senor. Jose Martinez, my contreemen, he iss the Senor Youner's servant, un-

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derstand? He ees found beside the Senor Youner, lying on the floor, weeth two bullet een hees face and bloody knife een hees hand.

"Eet iss all ver' plain, Senor. Jose, he stab the Senor weeth the knife. The Senor shoot two times, then he fall down beside Jose. Eet iss all ver' plain. The Senor Youner was sometime ver' cruel to my friend Jose!"

"You had the blockhouse mined, of course?" said Carlton, after a moment.

"Mined, Senor? I know not. But there was much powder! Eet was the Senor Youner's idea, Senor. He say perhaps you go een blockhouse. Eef not, he make the fight and drive you een. So ten day—maybe two week ago—much powder was buried below, weeth the leetle wire which ron back to the rocks behind. I know not how eet iss, Senor, but you push the lever, so, and—Caramba!—the house ees gone!"

"I don't understand why your men charged the ruined blockhouse," said Carlton, with a puzzled frown. "They must have known that no man could live through such a blast as that."

"Ah!" exclaimed Ortega, spreading his hands, with a quick shrug. "Eet iss all ver' bad, perhaps, but eet iss easy explain, Senor. The Americano iss sometime have plentee money een hees pocket!"

"And dead men are plumb easy to rob!" said Clem, disgustedly.

"Ver' easy, Senor. But truly, gentlemen, we ask only time to bury our comrades; then we depart in peace. We are half of us keeled; the Senor Youner is dead; there iss no one to pay! Surely you understand how eet iss?"

Carlton drew Clem aside: "There is good sense in the fellow's argument," he said tersely. "There isn't much danger of any more trouble, but we'll take no chances. You'd best pick ten good men, drive the prisoners up to the bluff, and hold them there till we've looked after our own casualties."

SOME TIME before noon next day, the prisoners finished their gruesome task and began their journey back over the Deadline, and Clem was free to return with his party to the camp. Most of the command had already departed for First Hope, but five or six remained, including Carlton, whom Clem found seated on a log beside the hospital tent. Their own dead and wounded had long since been taken care of, but as yet Clem knew nothing about the extent of the damage.

"Well," he said, with a glance at the tent, "How about it, Mr. Carlton?"

"Bad enough, Clem," replied Carlton gravely. "It might have been a lot worse, of course, but it's bad enough as it is. The explosion did nearly all the damage. Leslie and his men were blowed to pieces, of course. We found—some things—but the less said about it the better. Aside from that, no one was killed, and only five wounded. And only one seriously. He's in the tent there; the doctor was afraid to move him."

"Where is Miss Youner?" Clem inquired, seating himself beside Carlton.

"She heard about her father's death, so she left with the first party this morning. She aims to take the Stage from First Hope."

"Who was it got hurt so bad?" inquired Clem softly.

"It was—a friend of yours," Carlton temporized.

"Ben?" Clem husked, springing to his feet.

"Wait a minute!" admonished Carlton, clutching Clem's sleeve to pull him back down on the log. "You can't go in yet. The doctor is working with him now. Yank Lee is helping. Ben was shot through the chest. He's in bad shape, but the doctor thinks he has a chance to pull through."

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"I'm surprised at the Youner gal leaving him that way," said Clem, recovering his poise. "They seemed to be pretty good friends."

"She didn't know about it."

The doctor spoke softly beckoning from the tent opening. Carlton and Clem followed him into the tent. Ben Abbot lay on a cot in a far corner. His blood-soaked clothes still lay on a campchair beside the cot. Clem was shocked as he never had been before. Every vestige of his pal's usually high color had left his face, he seemed to have shrunk to half his usual size, and save the movement of a gentle breathing he might have passed for a dead man.

"I just gave him a shot," said the doctor crisply, "and he'll probably sleep for five or six hours. It will be touch and go, men, but I think now that he'll pull through."

"He's a good fella," said Clem, feelingly, as they stood looking down on his stricken pal. "And he shore made good on what he said, too!"

"How was that?" inquired Dr. Ohrsen.

"Well," replied Clem, with a quivering chin, "the pore fella was all broke up over the way he sold out to Youner; and he said he aimed to be in at the finish and have both hands into the pie, plumb to the elbow. And he shore done it!"

NEXT DAY Gerta Kimball came, and two days later Anita Youner arrived with a nurse from the Baritan hospital. As the doctor had forecast, it was "touch and go" for several anxious days, but presently Ben began to mend, and the time came when the doctor pronounced him out of danger.

At the end of the third week, Ben was able to sit for a time in the sunshine beside the tent. Clem Yates and the two girls sat in camp-chairs near the patient, and there was, of course, plenty to talk about.

"I suppose you'll soon be going back to the ranch?" Anita Youner presently suggested, smiling at Clem.

Clem shook his head. "No, I reckon not," he said, a bit shortly. "It ain't worth going back to, now that the spring and buildings belong to—well, now! Dog-gone it! I didn't see where I was headin' for. The land belongs to you now, I reckon?"

"Yes," smiled the girl, "it belongs to me. You won't find me hard to deal with, Clem."

"I ain't exactly lookin' for any favors, Miss Anita," rejoined Clem. "I was plumb outgeneraled, and I'm aimin' to take my medicine standin' up. I guess I know how you feel about it, Miss Anita, but—well, I understand you're comin' into maybe a million right soon, and you'd like to be liberal, but—"

"Not quite a million, Clem," the girl interrupted. "I went to see my father's old lawyer, after the funeral, and he told me there was an awful lot of debts. There'll be something left over; he says, but it won't be enough to get careless with, you know.

"But listen, Clem, have you forgotten all about your cattle? The Mexicans are all gone now, and the sheep are in charge of other men. Two of them are looking after your cattle. They're all right and they're all there and the men are ready to drive them home, the minute you say the word!"

"Thanks, Miss Anita!" said Clem, a little embarrassed. "I'd almost give them up for lost. But maybe you'd like to buy the half interest back? I ain't any too well fixed for ready cash, and it would suit me fine if you'd take over that half interest."

"Maybe I will," replied the girl, and Clem smiled when she glanced speculatively at his pal.

"But about that land-deal," the girl went on. "I got after the lawyer with a sharp stick and made him own up to the dirty trick they played on you. But with all their smartness

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they overlooked a bet, at that. You see, I kept right on digging at the lawyer, thinking that if you'd made a mistake they might have made one too; and finally I found out where they slipped. The buildings and the spring are on your part of the land, after all!"

"The dev— Excuse me, Miss Anita! I plumb forgot myse'f. But how come you think the spring is on my land?"

"There's some funny things about this correctin'-line, as they call it," replied the girl, with a smile. "One thing is the double-row of section corner-mounds; the other is that each of the lots joining the line on the south has sixty-two and a fraction acres in it. I found this out when I looked at the deed. And it seemed sort of odd, for the forties all showed the same size on the map, you know. I figured something was wrong.

"Anyhow I shot it at the lawyer, and he finally acknowledged that they'd overlooked this point. He said these lots were actually about one hundred and twenty-four rods long north and south, instead of the regulation eighty. Now suppose you move the south line of your lot four—move it twenty-four rods south of where you've always thought it was. Then where would your spring be located?"

"By George! It would be on lot four, and that's shore my land. And the funny thing about it; I'd heard about these long forties, or lots, long before I ever saw that ranch. Only I didn't have sense enough to think about it."

"Well, interposed Ben, with a wide grin at his pal, "I reckon that settles everything plumb serene, so you won't have no call to swell around and rear up on yore hine legs and refuse any favors."

"And furthermore," Anita added, "you might just as well get used to calling Ben 'partner' again. And I reckon you ought to practice up calling me 'partner,' too. You see, when Ben and myself get married, we'll sort of just make the spread one big ranch again with you and Gerta."

"Why, I—" Ben blushed.

"I know," Anita continued. "You haven't proposed yet. Well, gosh, Ben! You can't expect a girl to wait forever till you get up courage. Can you?"

Ben turned to Clem.

"Now what can you do with a girl like that?" he queried.

"Marry her," Clem grinned.

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Blue Mountain Gunsmoke

Fact Feature

by Wade Hamilton

THE SIGN read: *You Are Hereby Notified to Move This Camp Within Twenty-Four Hours or Take the Consequences. "Committee"*,

The sign was tacked onto the door of a sheepwagon that was located in the foothills of the Blue Mountains of eastern Oregon. The sheepherder, who had bunched his woolies for the night in a draw, stood and looked at the sign; lips moving as he read. Then he looked at his fellow-herder. "I wonder if the Committee means that, Pete?"

Pete shrugged. "Boss said we might have trouble with the cattlemen. But this is open range, and free to anybody who wants to use it—either for cattle or for sheep."

The Basque frowned. "I am afraid," he admitted.

"The boss said—"

"But the boss he will not get hurt, or maybe killed. He is in Boise, and a bullet can't shoot that far." He bit off a chew of tobacco. "I guess only thing we do is wait and see what happens."

"Nothing will happen."

When voicing this opinion, the second herder erred. When the twenty-four time-limit had expired the cattlemen—masked and with guns—rode down on the sheep camp. They called themselves the *Inland Sheep Shooters* and they were governed by a central group called *The Committee*. They were all local cattlemen, who had grazed their cattle in the Blue for years. Things had been peaceful until —in the Spring of 1904—sheep came over the horizon—greasy, dirty, bleating sheep.

The sheep came from Idaho and Nevada. They were owned by absentee-owners, who had no respect for the range upon which their woolies grazed. The grass was still tender, and the sheep ate it to the roots, killing it in many places. What their short-chewing jaws did not nibble to the roots their sharp-pointed little hoofs ground into the damp Oregon soil. The sheep were eating the feed the cattlemen had saved for their cattle. For self-protection, the cowmen organized. They were all peaceful men, not gunslingers—they were fighting for the grass that meant their livelihood. And so, at night, they hit the sleeping band of sheep.

They came on wild, plunging broncs. Guns roared flame into the night. The two herders, bunking on the ground under their sheep-wagon, took it on the run for horses they had staked out in the brush. Cattlemen rode over them, knocking them down. Slashing hoofs sent them to the earth; horses walked over them. But somehow they got mounted and they spurred out of that region.

"They're—they're killin' our sheep! Get the sheriff!"

When the sheriff and a deputy got to the scene, about seventy sheep were

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The cattlemen came shooting . . .

dead. The woolies had unfortunately incurred the wrath of cattlemen through the movements and greeds of their owners. Cattlemen had shot some to death and had clubbed others. The band was scattered and at the mercy of coyotes and bobcats and wolves. The sheriff, an honest law officer, could do nothing. None of the raiders had been identified. So whom could he arrest?

"Wish they'd take them sheep back where they came from," a cowman said. "I don't want no war but I'll be danged if I'll stand by and see woolies eatin' grass right at my cabin door—grass rightly belongin' to my cows!"

"They got a gall, them sheepherders! They done grazed sheep right to your door, eh?"

"My ol' lady sure got a hen on in a hell of a hurry, 'cause them woolies even et up her flower bed—and you know what that flower bed means in her life! Home life is miserable to me right now."

"Read what it said in the *Oregonian* this mornin'?"

THE *OREGONIAN*, the Portland daily, was against the Inland Sheep Shooters, and waged continuous war against them during the few months that band was in the saddle. Carefully the cowmen pointed out their side of the case, in letters to the newspaper: They gave the sheepmen twenty-four hours to leave; sheep ran on range that, for years, had been grass for their cattle; the sheep were owned by out-of-state owners, who paid no taxes to Oregon. They asked that the *Oregonian* and the governor remain neutral and, in one letter, pointed out that between eight and ten thousand sheep had been slaughtered by their group in one year—the year of 1905. And the letter also stated that, *"we expect to increase the respectable showing during the next season, if the sheep hold out . . ."*

Deadlines were drawn across the range; drift-fences were put up, but

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the sheepmen jerked down the barbwires. Or else they raised them and let their woolies crawl under onto land claimed by the cattlemen.

The lawmen did their best but, although they had suspicions, they had no direct proof as to the identities of the mounted raiders—the cowmen and their cowboys rode masked, came at night most of the time, and smeared brands on their horses with pitch, or some other substance that hid them. Sheepmen organized into a woolgrowers association, and offered rewards for raiders; but the disastrous raids continued for three years—the cowmen fighting back in the only way they could fight, the sheepmen clinging on with tenacious bullheadedness.

Meanwhile, the secretary of the *Inland Sheep Shooters* kept Oregon and the world informed of that band's activities. On New Year's Day of 1905, a sheep camp was raided, sheep were killed, and the herder was put on the run. Within a few days, the secretary had informed the *Oregonian* of this fact in a letter that read as follows:

New Year's Day was duly observed by our association by the slaughter of five hundred sheep belonging to a gentleman who had violated our laws.

Corresponding Secretary,
Crook County Sheep Shooters Association.

Rewards were doubled by the sheepmen. Still, no results were attained.

What is known as the Christmas Lake sheep-kill, had occurred in 1904. Masked men, riding fast horses, raided a band of sheep. Five hundred odds were scattered out on the range, and about twenty-five hundred were killed. The cowmen probably had no heart for the chore of killing ignorant sheep. Still, to get at the owners of the woolies, they had to kill the sheep.

The kill took all night. The herders were tied up in gunny-sacks like bales of wool. The actual killing was done with rifles and clubs; sheep stood and suffered their fate. When the kill was over, the soil around for some distance was dotted with dead woolies. Within a few weeks, another raid killed over two thousand head of sheep. Again, the herder was tied hand and foot. When the kill was over, the herder was turned loose, threatened with death if he revealed any names. Usually the herder left the country, at once; he wanted no part of these rifle-toting cowmen, who sincerely believed they were in the right.

According to the cowmen, sheep-owners retaliated by putting poison on the range; cattle started to die in great numbers. Oregon was getting tired of the war, but nothing but withdrawal of the sheep, it seemed, would end it. The law was impartial, and harried law-officers did their best—but who could even guess as to where masked raiders would hit next, what with bands of sheep scattered for miles across the immense rangeland? They would stake out men to watch one particular band, thinking perhaps the raiders would strike at it, and then the raiders would hit another band of woolies, miles away. And by the time the lawmen got on the scene, all traces leading to possible identification would be gone.

Cattle died. Sheep died. Men fought.

The feud had to be ended someway—the sooner the better. The federal government moved in with a diplomatic move. The entire area was made a federal forest reserve. Immediately, rangers were placed on the range; they divided the land between the two factions, strictly enforced grazing laws and provisions. With systematic grazing-procedure, there was plenty of grass both for cattle and sheep. With one stroke, the war was brought to a bloodless finish.

And the Blue Mountain War was over.

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EL ALCALDE

Fact Feature by Wallace Mc Kinley

THE MINERS of Jackson Creek Camp, Rogue River Valley, had an alcalde named Rogers. He was not at all popular, but was thought to be honest and capable until events showed him in an unexpected light. His election had occurred before the camp had "boomed": the few early miners on the creek had chosen him, and the crowds that came later had accepted his authority.

It happened that there were two mining partners named Sim and Sprenger, who worked a claim together, and were unnoticed and unknown in the mass of busy workers till a sudden difficulty brought them into prominence.

Sim took money from the funds of the concern and went to Portland to lay in their winter's stock of provisions. During his absence his partner, Sprenger, met with an accident; was crippled, helpless, and sick in the cabin, nursed by a few sympathizing friends, when Sim returned. The real nature of Sim revealed itself: without any compunctions he at once ejected Sprenger from their cabin and their claim. Of what use was a sick and crippled partner?

The wronged and unfortunate miner secured the services of a young man named Kinney as his lawyer, and took his complaint to Alcalde Rogers. But Sim, as events proved, had forestalled him by arguments of another sort: putting little trust in his claim of an oral sale, and his extremely doubtful witnesses, he bribed the unworthy alcalde, who, disregarding local custom, mining law, and the plain dictates of reason and justice, rendered his verdict against Sprenger. The plaintiff, in sad destitution and misery, and urged as a forlorn hope by some of his friends, begged the alcalde for a rehearing of the case, which was promptly refused: a judge could not be expected to overrule his own decisions. Nor would he grant a jury-trial. Restitution and reinstatement in his possession of one undivided half of cabin, tools, provisions, and claim, appeared unattainable for poor Sprenger.

The story was told throughout the camp, and it was openly said that there had been bribery of the witnesses, perhaps of the alcalde; but the camp, though populous, was a scattered settlement, and concerted action was difficult. There was indignant talk, but the men and the hour had not yet arrived. Sprenger found shelter in a friendly cabin, and Sims began to look about for an able-bodied partner who wanted to "buy in." But no one desired the situation of partner to such a man.

Matters were in this condition when Sprenger, still brooding over his wrongs, still urged by sympathizing friends, heard that a miner in the camp, named Prim, was a first-rate lawyer, a graduate of some law-school, and an attorney of considerable experience. Hoping against hope that some new mode of procedure might yet be devised, Sprenger hobbled to Prim's claim and begged for his assistance. At first this was denied; Prim even said he was not lawyer and could not leave his work. But Sprenger's penniless and piteous condition became an appeal that could not be disregarded; the miner threw down his tools, hunted up Sprenger's former attorney, Kinney, and they held a conference.

Further appeal to the alcalde was clearly useless. But Prim proposed to reach the territorial courts north of the Calapooia Mountains—to go, in fact, to Portland itself—and there obtain powers to organize a district court with appellate powers over the entire region.

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There was constant need, he argued, for a more complete scientific system. They could not continue the unbalanced, uncontrolled, irresponsible alcalde system without a higher court to check its abuses. The practical difficulty in the way was that all this would take months, and their unfortunate client might starve long before the close of the approaching winter. Then, too, the value of the interest he owned in the claim from which he had been ousted was steadily diminishing, as Sim worked there from daylight to dark. And if Sim should succeed in finding a partner, a new element of difficulty would be added.

At last Kinney is reported to have exclaimed: "Who but the people made the damned scoundrel alcalde, anyhow? We can organize our own court of appeals."

PRIM CAUGHT eargerly at the idea. They sent a man up and down the gulches, and over the ridges, to the extreme limits of the district within Alcalde Rogers' jurisdiction. There was no attempt to prejudge the case or to bias men's opinions. Each miner was told that numbers of persons thought a great wrong had been done, and that it was desired to examine the entire subject with all fairness and deliberation, sustaining or reversing the former judgment as the evidence should warrant.

So the eventful morning dawned; and over a thousand miners threw down their picks and shovels; left their rockers, long-toms, and sluices, and came hastening to the main camp. Every man of them all suffered a loss, by his day's idleness, of whatever his work that day would have earned—perhaps five dollars, perhaps fifty dollars; but the miners of Jackson Creek were willing to suffer loss if justice, as between man and man, could thereby be established.

The court met in the open air and chose a presiding officer. They then elected a committee of three well-known miners to wait on Alcalde Rogers and respectfully request him, "in the name and by the authority of the citizens of Jackson Creek Camp," to reopen his court and give the case of Sim vs. Sprenger a new trial; they asked also that a jury be allowed. Rogers refused point-blank, and retired grimly defiant to the entrenchments of his log cabin. The committee returned and made a report in open meeting. It was then discharged, and the first act of the drama had closed.

Only one course was left for the miners' meeting—to organize their higher court and invest it with full authority to review any and all proceedings of the court below. This seems to have been done by these bold reformers, on the supposition that it might have to be a permanent thing: it was not merely an expedient by which to reinstate Sprenger in his rights, if such rights a fair trial proved him to possess. It had dawned upon the minds of those earnest men assembled in that winding Oregonian ravine that the time had come for a higher judicial organization. With strong good sense and sturdy independence they grappled with the problem.

FIRST A miner named Hayden, one of the most respected and intelligent men in the entire community, was nominated and elected to serve as chief judge of the district. He declined the responsible position, begging them to chose someone else; but the duties of the office were urged upon him until he was forced to accept.

Judge Hayden displayed the greatest promptitude, dignity, and good sense in his proceedings. He at once asked for a sheriff and a clerk, who were immediately elected, and reported themselves ready for duty. Within an hour after Hayden's acceptance, a writ of certiorari commanding Alcalde Rogers to appear in the new and duly-established court, before Judge Hayden, and submit the records of his proceedings, was served upon that officer

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by the newly installed sheriff of Jackson Creek. To the surprise of all concerned, the stubborn alcalde refused to yield, and proceeded to impugn the motives of certain leaders and deny the legal existence of the court. History has failed to keep an exact record of his language; but, beyond a doubt, it was profanely belligerent.

The crowd of miners were by this time tired and angry. It was suggested to batter down Rogers' cabin, take possession of his records, and lay them before the newly chosen superior judge. But to this Judge Hayden objected, as defeating the ends of justice. He called the sheriff and issued new writs, ordering both parties in the original controversy to appear before him at once for a trial: in other words, he ignored all former proceedings and asserted original as well as appellate jurisdiction over the camp. The impressiveness of the scene had now become indescribable. Those hundreds of brawny, bare-armed, red-shirted men, grouped in the open air, under giant oaks, were moving without noise or excitement to the full accomplishment of their appointed task.

Plaintiff and defendant came before the new court and were assured of a full and fair trial. Witnesses were summoned; a jury impaneled, sworn to do their duty; and lawyers appointed for each side. Tradition reports that Sim's lawyer was able and courageous, but that his witnesses weakened under the severe cross-questioning of his opponent. Both lawyers made appeals to the jury, and the case was submitted. No one can doubt, from the dignity and earnestness which had hitherto prevailed, that a verdict for the defendant, though contrary to the general expectation, would have been accepted by the assemblage. By the verdict of that jury those freemen who had left their claims lying idle for miles were tacitly pledged to abide; and Prim, Kinney, and Hayden would have been the first to acquiesce, the last to propose any "new deal."

The court in his charge to the jury, said that they must strip the case of technicalities, regarding no law but right and wrong, no test but common sense. They listened with approval, and at once proceeded to disagree on a vital point: some wanted to hang Sim, who had been proved guilty of bribery; several wanted to hang Alcalde Rogers. This dangerous phase soon passed away; the jury found a verdict for the plaintiff, and left the sentence with the court, where it evidently belonged. Judge Hayden then, amid breathless silence, announced his decision: Sprenger was to be reinstated in all his former rights, as half owner of cabin, tools, provisions, and claim; Sim was also ordered to pay the costs of his partner's sickness. The court then adjourned.

But some of the evidence offered had revealed so much rascality and malfeasance on the part of Alcalde Rogers that none of the miners were satisfied to let him longer hold the office he had so disgraced. Who could any more put confidence in so untrustworthy an official? How could a thousand men, some of them living five miles from the central camp, be expected to leave their claims and administer justice by newly organized courts each time there was need thereof? The crowd proceeded to Rogers' cabin, growing angrier and more tumultuous each moment. A cry that he should be hanged swelled like a mountain torrent in time of flood; but Hayden, Prim, Kinney, and Jacobs (who had been Sim's lawyer) made speeches, and reason again prevailed. One thing, however, was certain—Alcalde Rogers must resign; and this he did without demur. Judge Hayden's court was then reassembled, and it levied an instant execution upon some mining property which ex-Alcalde Rogers had illegally and unjustly obtained; it being part of the Sim-Sprenger claim, given to him by Sim as a retainer at the time of the first trail.

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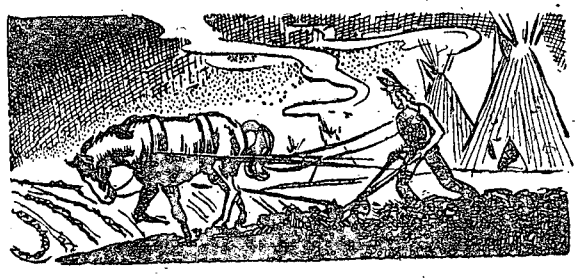
Emancipation Of Crow Dog

by Lon Williams



"Crow Dog — him squaw man — heap squaw man!" Gray Badger taunted . . .

CROW DOG held his plow-handles with strong, sure hands. He walked with even steps behind his team of horses and watched with fascination while his plow cut sod, laid open a deep furrow. This was a land of big snows, of cold Dakota winds, of treeless prairie that rolled on westward and lowered into a land of sky. Now it was spring, plowing and planting time. It was a time to show that men of his own great Sioux nation knew how to keep a treaty with their pale-face brothers. Out of earth's warm bosom would grow corn and squash, beans, potatoes, pumpkins and turnips. At harvest time he could show these things to Agent Cranmer and say, "Heap much food. Crow Dog, him civilized."

Young lawyer-agent Cranmer would say then, "Crow Dog good Sioux. Someday Crow Dog marry, have papooses, be good citizen, like pale-face brother."

Now and then he lifted his eyes to glance at Rock Pile Hill that rose between his plowing and Long Panther's cottage. A heap of bull-head stones had been piled there, a monument, perhaps, to some hero of long time past. He saw sitting there, watching him plow, Morning Mist, daughter of Long Panther. As a thing of beauty emerging from sun-vanquished fog, Morning Mist was emerging from girlhood into womanhood. Sight of her, wearing headband and red feather, put life into his strong, lithe body. No sign passed between them—none was needed. Winds of spring whispered love sentiments to their hearts; each knew full well what those winds were saying.

Hardly a minute later Crow Dog heard a cry. He looked again and stopped his team. Morning Mist was racing toward him, pursued by a big Indian known to every reservation Sioux as bad Indian Gray Badger. Crow Dog dropped his plow lines. Pale-face boots made his feet heavy, yet he ran swiftly to meet her. Morning Mist wore moccasins. She was slender and fleet-footed too. Though Gray Badger gained on her relentlessly, she evaded him until Crow Dog's pounding boots closed up to meet her.

Gray Badger stopped, faced by a rival and adversary. He was a stocky Indian, shifty-eyed and crafty. He carried a long knife in his belt. Lawyer-agent Philip Cranmer distrusted him;

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Indians feared him. He spat contemptuously at Crow Dog's feet.

"Squaw man!" He moved a stubby hand in an arc and looked with scorn upon Crow Dog's plowing. "Great Spirit despise squaw man. Brave Sioux not plow ground. Mighty Sioux do not plant. That squaw work. Me, Gray Badger, great hunter. Me despise Crow Dog."

He spat again, this time on a pale-face boot.

Crow Dog took one lightning step forward and drove a fist into Gray Badger's neck. From pale-face teacher at school he had learned ways of honorable fight—fist, hand and feet—but no knife. From pale-face soldier he had learned ways of soldier defense—dodge, side-step, arm-twist, gouge, knee-jab and judo.

Gray Badger looked surprised. His adam's-apple had gone up toward his mouth. He swallowed it back into place and leaped at Crow Dog, knife drawn and flashing. Crow Dog side-stepped, kicked out with a boot toe and tripped Gray Badger. Badger came up, spitting dirt. This time he advanced, crouched forward, knife-hand drawn back. Crow Dog tensed, but made a deceptive target of himself by appearing off guard. When Badger thrust at his heart, Crow Dog stepped aside again. But this time he caught Badger's wrist and in a leaping twist caused fingers to spread and knife to fall.

Furious from pain, Badger leaped into him, caught him in his powerful arms and sank his teeth into Crow Dog's neck. A knee-jab caused those teeth to let loose, for Badger's mouth opened in a cry of agony. In that unguarded instant, Crow Dog swept his adversary's feet from under him, pounced onto him as he fell, hit him a kidney blow that turned him over, face up, distorted with pain. Badger's strong arms caught him again, and they rolled, kicking, gouging, knee-jabbing, biting. Crow Dog came out on top and sat astride Gray Badger. He spat out a piece of Badger's ear. His eyes then fell upon Badger's knife, lying handle toward him. Crow Dog snatched it up, raised it for a death blow.

"No!" a scared voice cried.

Morning Mist sprang forward and caught Crow Dog's arm.

"Gray Badger bad man," shouted Crow Dog.

Badger was panting, staring upward, his arms still. He saw death in that uplifted knife, knew that it would descend if he moved.

Morning Mist pleaded. "Great Sioux people promise not to kill, promise to be good, to plow ground, raise crops, be civilized. Crow Dog must keep promise."

Crow Dog looked steadily at Gray Badger, saw in him a man of evil who ought to be killed. Gray Badger was a thief. He hunted without permission on lands of pale-faces. Squaws feared him. Sioux maids were warned against him. But had not all Sioux promised to be civilized?

Crow Dog stood up. "Me keep promise. Great Sioux honorable people."

Gray Badger rolled over, crawled a short distance, and got to his feet. He snarled at Crow Dog, "Squaw man! Great Spirit despise squaw man. Me come back. Gray Badger kill squaw man." He looked at his own hunting knife, now in Crow Dog's hand. His lips twisted; he turned on his heel, faced west and strode away, arrogantly, as if he were not a beaten brave, but a victor.

THEY WATCHED him go, a young savage who hated both pale-faces and all Indians who took up pale-face ways of living. He did not look back; he disappeared at last, over a distant low hill.

Crow Dog said sadly, "Gray Badger bad medicine. Cause much trouble." He faced about. "Morning Mist go now. Home."

She did no go at once. "Morning Mist thank Crow Dog. Morning Mist

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think Crow Dog brave, good Sioux."

Crow Dog responded with eloquence, "Morning Mist like star at midnight. Morning Mist like green grass after big snow gone. Morning Mist like sun after rain."

Morning Mist lifted her chin proudly. "Crow Dog speak fine words. Goodby."

She walked away then. Crow Dog watched her until she was gone over Rock Pile Hill. He returned to his plow, thinking of a good life that would be his when big snows came and went again.

He did not see her again that day, though he glanced up often. He did not know about women's ways. He did not know that she would go home, study herself in a mirror, as pale-face women had taught her to do, arrange her hair, her headband and her feather in that way that would make her most attractive. He did not know that she had been learning to sew fine cloth of bright red, to make clothes for herself, curtains for windows, bed blankets, quilts, white sheets. Nor did he know that she had read many books; that she wrote words and messages on white paper; that she hoped someday to teach Sioux children to learn, as she was learning, to be civilized as she was trying to be civilized, as Crow Dog himself was trying to be civilized.

He thought possibly she was angry with him because he'd spoken what she called fine words. Yet it was in him to speak truth. Whether in springtime when earth and sky were filled with hope, in summer when they bloomed with promise, in autumn when earth yielded its ripe abundance, or in winter's bleak, cold loneliness, it was to Morning Mist that his thoughts turned. She and none other could fill that empty place which a wise Great Spirit had put in him.

He plowed steadily on. But disturbing him were dark recollections of Gray Badger. Reservation Indians were not a contented people. Bad Sioux, like Gray Badger, talked of a glorious past, when Indians were free to go where they wished. Crow Dog knew better. He'd listened to old Indians whey they were not being political, to chiefs when they were not giving prejudiced, angry counsel. Their roving lives had been free, but wretched, haunted by hunger, blizzards, and danger of destruction by hostile warriors. Now they could, if they would, live good lives, settled, abundant and free.

Crow Dog was tired by day's end, but he saw black ground where there'd been green sod. He saw a large field where two springs before there'd been only a small one. He lived in a tepee, but he had good shelter for his team, riding horse and cattle. He had good food for himself—bread, dried beef, warm cow's milk, boiled potatoes and coffee. Agent Cranmer had promised him a white cottage as soon as he'd found himself a wife. His food would be even better then.

Drowsy from a hearty meal and pleased with a good day's work, he tugged off his boots and lay down to sleep. He awoke before dawn to sounds of running horses, looked out and saw by moonlight a rider, leading a spare horse. This spare was turned loose inside Crow Dog's corral. His night visitor sped away.

Crow Dog was angry. This he'd recognized at once as a trick to make him out a thief. As soon as he could get into his boots, he ran out, bridled his own horse, roped this stolen one, mounted quickly, and lashed both animals into a pounding race for agency headquarters, five miles southeastward. Both horses were almost ready to drop dead when Crow Dog pulled up in front of Philip Cranmer's house and yelled.

Agent Cranmer was awake. He, too, had been worried by trouble-making Indians, particularly a savage named Gray Badger. He got out of bed and stuck his head out at a window. By breaking day he perceived two horses and a single rider.

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"What's wrong there?"

Crow Dog felt relieved at hearing his friend's voice. Yet his business was urgent. "Me Crow Dog. Me talk to Agent Cranmer."

"What do you want, Crow Dog?"

"Me have horse. Not want him. Not belong to Crow Dog."

"Just a minute." Cranmer withdrew and dressed. He was a tall man. He'd been lawyer and soldier. He planned to be a lawyer again. He was somewhat young for his job as Indian Agent, but he was supported by a nearby garrison of tough cavalry. Good Indians respected him because he was a just man. Bad Indians respected him because of his military backing. "All right, Crow Dog," he said outside, "tell your story."

Crow Dog related how he was awakened and what he saw. "Bad man do mean trick. Make Crow Dog look like thief. Crow Dog not thief. Crow Dog good Sioux."

"That I know," said Cranmer. He walked closer to inspect Crow Dog's captive animal. It bore no harness or saddle marks. He guessed it to be an Indian's horse. "Who was he, Crow Dog?"

"Huh?"

"Who was that prowler who left you a horse?"

Crow Dog knew to his own satisfaction. He had seen him by bright moonlight, a big, blocky Indian. He'd seen his horse, too, a spotted piebald. It could have been none other than Gray Badger. Yet Crow Dog knew how precise must be all proof. What he knew, he could not prove.

He said dispassionately, "Me not sure."

"Who is your enemy, then?"

"All bad Sioux enemies of Crow Dog."

"That I can believe," said Cranmer. He caught hold of Crow Dog's lead rope. "Leave this animal with me. If its owner claims it, he can have it."

"Good. Me go now."

HE'D BEEN gone for some time when a treacherous looking Indian loped a tired horse up to Cranmer's house. Cranmer was in conference with Sergeant Melrose. He heard soldiers outside, heard an Indian's grunting protests.

"Me see Agent Cranmer."

"Agent Cranmer is busy. What's your hurry?"

Cranmer nodded to Melrose. "Bring him in, Sergeant."

Melrose, a hard-faced veteran of Indian fights, left and returned with a magnificent specimen of Redskin muscle and bone.

"Who are you and what do you want?" Cranmer demanded icily.

"Me Quick Bear. Crow Dog steal horse of Quick Bear."

Cranmer leaned back form his desk. "How do you know?"

"Me see him. Me follow tracks."

Cranmer's eyes chinked. Here was a bad Indian, tricky, vicious. "What kind of horse?"

"Him red. White spot in face."

"What kind of feet?"

"Black feet. One white foot."

"Where is he now?"

"Him in Crow Dog corral. Me track him there."

Cranmer nodded to Melrose. "Sergeant, have that strange horse bought around."

They went out. A minute later a strawberry roan with a face star, three black feet and one white foot was brought before them.

"There's your horse," said Cranmer.

Quick Bear's mouth was closed tight.

Sergeant Melrose loosened his six-gun. "Want me to lock him up, Mr. Cranmer?"

Cranmer faced Quick Bear angrily. "What kind of trickery are you up to anyhow? Nobody stole your horse. You lied when you said you saw him in Crow Dog's corral. You're a scoundrel and a dirty lowdown sneak.

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Well, what have you got to say?"

"Me not talk."

"Then take your horse and get away from here."

Quick Bear stepped forward, swung onto his horse and rode off, leading his strawberry roan. He rode north, whipping both animals into a run.

Crow Dog had not gone directly home. It meant only one extra mile to go by Long Panther's house. He wished to have a talk with Long Panther anyhow. Reservation trouble was brewing, and behind it was one moving spirit. Gray Badger. Something would have to be done about Gray Badger, otherwise soldiers would march in and a lot of Indians would be killed.

But when he got to Long Panther's house, Gray Badger himself was there. He was standing outside holding onto his horse. Long Panther stood door guard, a rifle in hand. Crow Dog swung off, dropped reins and looked at Long Panther.

"What Gray Badger do here?"

Gray Badger faced Crow Dog angrily. "Me come to take Morning Mist. Me have her for squaw. You go."

Crow Dog put his shoulders back. He glanced through an open window. Inside was Morning Mist, already made pretty by headband, red feather and new red dress. "When time of big snow come and go, Morning Mist belong to Crow Dog. Me not go."

Badger grunted in scorn. "Gray Badger not wait. Gray Badger not squaw man like Crow Dog. Gray Badger have Morning Mist now."

"Gray Badger have nothing," said Long Panther, a tall, fierce Sioux, battle scarred and fearless. "Gray Badger make trouble."

Badger lifted his chin haughtily. "Long Panther squaw man, like Crow Dog. Work land by moonlight. Daytime pretend great brave. But squaw man anyhow. Gray Badger not squaw man. Gray Badger mighty Sioux. Gray Badger take Morning Mist when Long Panther not see. Maybe Gray Badger set trap for Morning Mist."

"Maybe Gray Badger also die," said Crow Dog. "Him make trouble for all Sioux. Him no good."

Gray Badger looked upon Crow Dog with murderous hatred. He again had a knife in his belt, but so did Crow Dog now. Badger remembered his fight of yesterday and his defeat. He did not draw his knife. Instead, he leaped onto his horse. "Crow Dog squaw man. Not brave, like Sioux warrior." He spat at Crow Dog's boots and rode off, lashing his horse into a furious run.

When Gray Badger had disappeared over a rise, Long Panther set his rifle inside. "Crow Dog come in. Have food."

"Will do," said Crow Dog.

He hitched his horse to a post and strode happily into Long Panther's house. Morning Mist looked at him adoringly, and Long Panther's squaw, Nellie Horse, nodded approval. They had a dining table and chairs, a cook stove, pots and pans and dishes.

"Crow Dog eat here," said Long Panther, indicating a chair.

They sat down and ate like civilized people. Pleasant food and coffee made them forget Gray Badger. Crow Dog glanced now and then at Morning Mist; each time he caught her looking at him also.

Nellie Horse, joking, said, "Crow Dog not good cook. Look thin."

Long Panther grunted, looked at his daughter. "Sioux live by self, not good."

Morning Mist lowered her head. She liked being teased, but it was not becoming to let that be known.

Crow Dog said, "Long Panther night farmer, huh?" He glanced at Nellie Horse and Morning Mist, saw them brighten.

Long Panther looked sheepish. "Me in bad spot. Me brave warrior,

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not squaw man. But Long Panther good Sioux, promise to be civilized. But how?"

Crow Dog jerked his head in understanding. "Long Panther good Sioux some time. Long Panther Sioux brave by day, squaw man by night."

This they regarded as humorous. They laughed, like civilized people.

But when they'd eaten, Long Panther accompanied Crow Dog outside. There they talked man-talk. They wanted no trouble, but there was going to be trouble. Indian bands had been burning homes of pale-faces. One band had been trailed to Sioux reservation. Soldiers would come. There'd be bad trouble then—many dead Sioux.

"Gray Badger make all trouble," said Crow Dog.

Long Panther nodded. "Gray Badger much bad medicine."

Crow Dog unhitched his horse and swung aloft. "Me stay too long. Goodby." He rode away at break-neck speed and did not look back.

He plowed another day, and that night he awoke to find his stock shelter in flames. He hurried out and saved his horses and harness, but not his shelter. Crow Dog saw a stocky, fleeing rider. There was only one explanation of this catastrophe. Gray Badger had declared war on all squaw men; he had chosen Crow Dog as his first victim.

CROW DOG did not wait for daylight. From his tepee he took a loaded rifle, mounted his riding horse and sped westward. Half an hour later he dismounted and crawled on his belly to within twenty feet of Badger's tepee. There he waited until dawn.

Sounds of movement came from inside, then Gray Badger emerged. Crow Dog drew a bead on him. This, he thought, would save much trouble. He aimed at Gray Badger's heart and triggered.

Gray Badger tensed, staggered a few steps forward and fell dead.

Crow Dog rode home with a bright morning sun in his face. No less than a dozen Indians saw him, some of them Gray Badger's evil friends. All, of course, had heard a rifle shot.

Before noon a deputy marshal and a squad of mounted soldiers came for Crow Dog. Deputy marshal Flenniken dismounted and read a paper to Crow Dog. He then announced coldly, "I arrest you for murder. You have killed Gray Badger in cold blood."

"And of course you'll be hung," declared a grizzled soldier.

They took Crow Dog to Agent Cranmer's office. A multitude of Indians had gathered. Several chiefs were among them. They protested that Crow Dog had done no wrong, that he should be turned over to them for trial—and release.

Cranmer stood on a speaker's open-air platform. "I agree with you," he declared stoutly, "but I do not make laws."

Chief Dark Cloud shouted, "We have treaty with Great White Father. We promise to be good Sioux, not kill railroad worker, not kill pale-face traveler, not destroy wagon trains, not steal mules, cattle, horses, not burn pale-face houses, not carry off pale-face squaw or papoose, not kill or scalp pale-face man. We promise when Sioux do bad thing, pale-face can take him, but only when bad thing is done to pale-face. When Sioux kill Sioux, Sioux try him, by law of Sioux."

Cranmer stood firm, cold, but honest. "Great Chief Dark Cloud, you speak truth. But soldiers do not know about law or treaty. Officer does not know about law. But judge appointed by Great White Father knows law. I shall go with Crow Dog and talk to great judge; I shall bring Crow Dog back to you."

A chief shouted, "You not take Crow Dog. We try him here."

Cranmer looked down. Crow Dog

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stood below, handcuffed. Cranmer spoke sharply to deputy marshal Flenniken, "Remove those handcuffs. Crow Dog is honorable man; he won't run off. I want him up here by me."

Flenniken hesitated. "He's my prisoner."

"Do as I say. He will still be your prisoner."

Reluctantly Flenniken obeyed.

Crow Dog sprang up beside Cranmer and lifted a hand for silence. "Crow Dog speak to all good Sioux. Me not fear pale-face judge. Me go, me come back. Cranmer, him lawyer. Good man. You do what Cranmer say. You be good Sioux. Me kill Gray Badger because Gray Badger bad Sioux, make trouble. Crow Dog not die. Crow Dog kill Gray Badger, but that not bad. That good. Save many lives. Save promise made by Sioux."

Indians continued to gather; braves, squaws, maids. He saw Morning Mist between Long Panther and Nellie Horse. She was looking up at him, her face troubled. Crow Dog looked at her, and thought of her looking down at him as he plowed his land, a thing of beauty emerging from mist of girlhood into womanhood. "Crow Dog plow land another day," he promised.

Morning Mist nodded.

As Crow Dog spoke, a long line of mounted soldiers had ridden into view. Indians murmured resentment. Many of them had guns. Their murmurs sank into sullen silence while a wide front of horsemen formed up, facing them.

Crow Dog again spoke to his kindred. "Sioux make treaty. Promise not kill. Soldiers come because you come. Sioux go home, soldiers go home."

Cranmer stood close to Crow Dog. "Great White Father also make treaty. I speak for him now. Crow Dog will not be punished by pale-face. Crow Dog will come back to you. I promise."

"Um!" grunted Chief Dark Cloud. "Cranmer good man. We go."

Dark Cloud turned away. Other chiefs followed. Mass movement was slow at first. Then individual riders broke away and rode off at horse-killing speeds. A few close friends of Crow Dog lingered, among them Long Panther.

Long Panther spread his arms to include those about him. "We wait for Crow Dog. Cranmer good man. Keep promise."

It was a long journey to where they took Crow Dog, days of hard travel on horseback, open-air camps for cooking and sleep. At first they had a full moon. As it waned, Crow Dog thought of his plowed land and of planting. By time of dark moon he should be back, planting his potatoes. If he stayed away too long, his horses and cattle would stray or be stolen. Before another winter he'd need to rebuild his stock shelters for protection against wind and big snow. Things must be going good by another spring, because then Morning Mist would be a woman, ready to come live in his tepee. He'd be ready then for that cottage Cranmer had promised.

To Crow Dog it was not a tiresome trip, nor an unpleasant one. Cranmer had a mouth organ that he and deputy marshal Flenniken played by turns. During their second evening, Cranmer tossed it to Crow Dog.

"Knock us off a tune."

Crow Dog put it to his lips and was amazed that it gave out music for him too. "Ugh! Crow Dog knock off heap tune."

Flenniken held out his hand. "Let me play. Let Crow Dog dance."

Crow Dog sprang up and danced around their campfire. Beyond its light there was darkness. A small stream ran nearby, with lines of trees.

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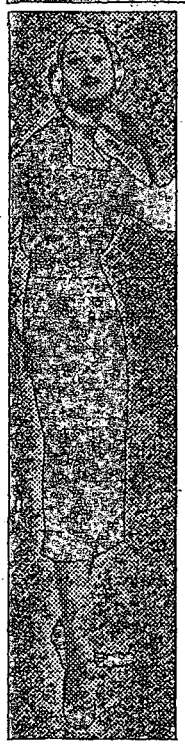

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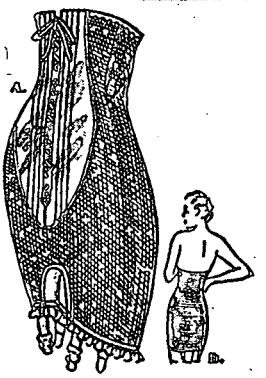

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By one quick dash, he could escape. But he did not; he had promised to be good Sioux, to keep treaty, to be civilized. He danced on.

"What dance is that?" Cranmer asked.

"That medicine dance. Bring Crow Dog good luck."

"You'll need it," said Flenniken.

Soldiers of a corporal's guard joined in. They whooped and stamped their feet. A soldier shouted, "Let Crow Dog dance war dance."

Crow Dog shook his head vigorously. "Sioux promise peace. Crow Dog not dance war dance."

Crow Dog sat down and watched, while soldiers danced hilariously. He thought it was heap fun. He liked these pale-faces when they were not at war with Sioux. He wished he could be as they were, full of laughs and life; in other words, civilized, not glum like Sioux.

ON THEIR last night out, Cranmer made Crow Dog a present of his mouth organ. "You'll need that for a while to keep you company. Pale-faces won't tie you to a tree, as Sioux would do; they'll put you in jail. There you'll stay for a while. Pale-face judge move slow, not fast like Sioux chiefs. So, you make music and be good Sioux."

"Me be good Sioux, but Crow Dog must go back home before dark moon gone."

A soldier laughed. "Dark moon of next year—maybe."

Crow Dog thought again of escape. He was not handcuffed. He could slip away while guard was not looking. But he had promised; he would be good Sioux and keep promise.

They put Crow Dog in jail, as Cranmer had said they would. To Crow Dog, it was worse then being tied to a tree. It made him feel sad to be locked up, where he could not see things he wanted to see—green grasses, stars, grazing cattle, furrows, plowed ground.

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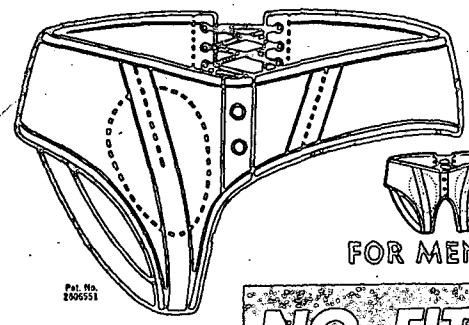

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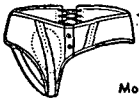

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Too many days passed. He complained to Cranmer, "Dark moon most gone."

"Patience, Crow Dog. I have filed a petition for writ of habeas corpus. His honor, Judge Yearling, has taken it under advisement. He should render a decision soon."

Crow Dog grunted. "Ugh! Me not know what big talk mean. Me want out."

But he had to wait. He was sad and worried. He didn't play his mouth organ, because there was no music in him. Dark moon was time to plant potatoes. Not good other times.

After many days of delay, Judge Yearling handed down a decision. His decision was that Crow Dog must stand trial for first degree murder.

That meant more delay. A dark moon came and went, then another. Then Crow Dog was tried before a jury of pale-faces who found him guilty.

Judge Yearling, a white haired stern man in a black robe, looked down at Crow Dog. "Prisoner will stand up."

Cranmer rose and had Crow Dog do likewise.

Judge Yearling said, "Kang-gi-shun-ca, in other words, Crow Dog, you have been found guilty of first degree murder. I therefore, sentence you to death, by hanging..."

Crow Dog felt a jar inside, but he gave no outward manifestation of his feelings. He could be a brave Sioux, as well as a good Sioux.

Cranmer said, "Your honor, I move for a stay of execution, pending appeal."

"Motion granted," Judge Yearling responded, and left his bench.

They took Crow Dog back to jail.

Cranmer explained, "Great White Father has council of wise men. I go to see wise men, far away. They will turn Crow Dog loose."

Many moons went by. Summer passed.

Then after a long absence, Cranmer came to see him. A jail guard

[*Turn To Page* 122]

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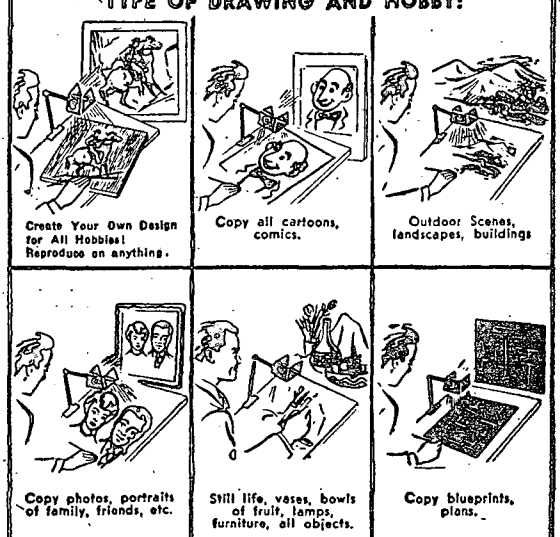

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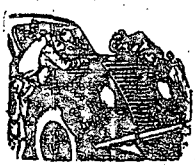

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with him unlocked Crow Dog's cell door.

Crow Dog looked at them dully. "What this mean?"

Cranmer, too, looked dull and tired, but he smiled. "It means you are free. We are ready to take you back to your kindred."

Crow Dog's knees trembled a little. They felt weak. He said "Heap good."

Cranmer, no longer Indian agent, had become a practicing lawyer. Nevertheless, he had made a promise. He accordingly returned with Crow Dog. He'd sent a message ahead, too. Word spread of their return and many hundreds of Indians gathered. They whooped and danced, and then a chief shouted, "Crow Dog come with us. We show Crow Dog heap doings."

Horses were brought and Cranmer, Crow Dog, half a dozen chiefs and many braves who had mounts rode to Crow Dog's land allotment.

AS THEY went over a rise that looked down upon his land, Crow Dog saw what they'd meant by heap doings. Men were working in Crow Dog's field, plowing and picking up his crop of potatoes, gathering corn and pumpkins.

Crow Dog and his friends dismounted and looked on for a moment. Then workers espied Crow Dog. They dropped their baskets and came running—Jaybird, Gopher, Long Panther, Little Beaver, Moose, Wild Horse, Big Buzzard. They gathered around Crow Dog and beat him with their fists, all whooping and dancing with joy.

Cranmer looked on, grinning. When order had returned, he said, "Well,

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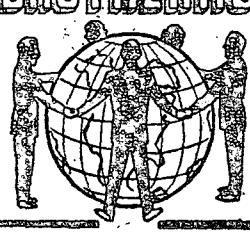

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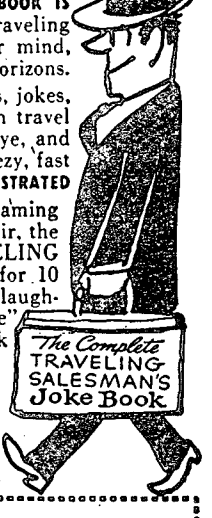

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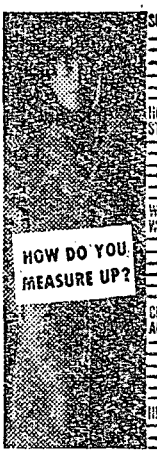

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Crow Dog, what do you say about this?"

Crow Dog looked at his fine crops, then at his good neighbors. Once more his face wore a glad expression. He looked at Long Panther and his helpers and grinned. "Squaw mans! Heap squaw mans!"

Cranmer had never heard Sioux braves laugh like civilized people, but he heard them now. They pounded Crow Dog's back until it must have been one big bruise. To escape their exhibitions of pleasure, Crow Dog whooped like a savage and ran into his field. He lifted a pumpkin and tossed it up about twenty feet. He caught it as it came down and set it on his head, whooping still.

Then, without knowing why, he glanced up to where a pile of rocks rose as a small mound on Rock Pile Hill. There he saw a red dress, a red headband and a red feather. Morning Mist!

He became still suddenly. His friends, noting his silence and his fixed stare, turned and looked as he was looking. They waved and shouted excitedly then, and that caused Morning Mist to slide down from her perch and run away.

Crow Dog put down his pumpkin and took a meditative look at his fine harvest. He remembered his long months in jail and thought of those months as lost time. Yet in a way, not lost. Morning Mist had grown much. Morning Mist had become a woman. Maybe he wouldn't wait for another big snow to come and go, after all.

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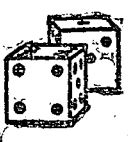

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THE WILD WEST SHOW OF BUFFALO BILL

(continued from page 8)

German and Russian—and was the show's official interpreter. He had been adopted by Buffalo Bill and his Christian name was George Cody, although he much preferred White Eagle. Long years after the Wild West Show was a thing of the past, I met White Eagle at his home in North Carolina; and although I never would have recognized him he knew me instantly and greeted me by my Sioux name, Tchanka Tanku (Big Road).

Vicente Oropeza was a remarkable man. He had been a bullfighter and bandit before he turned Rurale and as he often said: "A most excellent bandit." He was an enormously tall, heavily-built Mexican but as light on his feet as a cat. He was the first man ever to spin a rope and in some ways was the best rope-spinner I ever have seen—and I knew Will Rogers, personally.

On one occasion, Oropeza leaped onto the long dining-tent table and spun his rope back and forth over the dishes, never more than an inch or two above them, but never touching them, regardless of their various heights. Another of his feats was to stand blindfolded with his back to a horse and rider and call out by which foot he would loop the horse. Judging only by the sound of the oncoming horse, he would spin his riata backward and never missed his throw.

Although a great deal has been written in regard to Buffalo Bill's ability as a rifle-shot, in reality he was a very poor marksman. His one "exhibition" stunt was to ride at a slow single-foot and break glass balls tossed up by another horseman. But the rifle he used was bored smooth, and was loaded with shot cartridges, while the glass balls were never more than a few yards distant. Moreover,

[*Turn To Page* 128]

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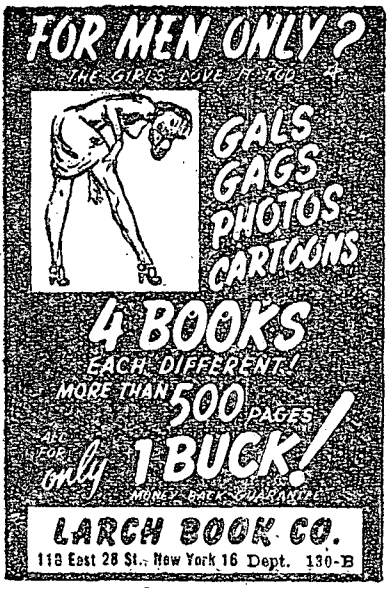

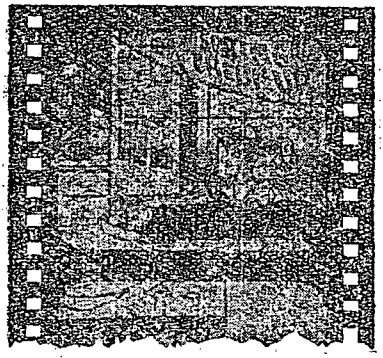

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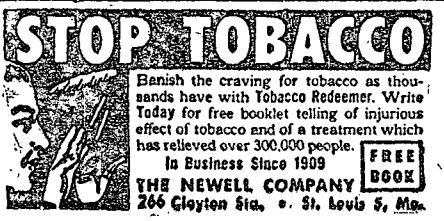
American Cancer Society

DOUBLE ACTION WESTERN

Cody was not at all popular with the members of the show. He was inclined to be a bit arrogant, to assume a somewhat patronizing attitude, and was regarded as a bit of a stuffed shirt. Partially, this feeling was due to the fact that he invariably stopped at the best hotels and in the parade wore a complete costume of snow-white fringed buckskin, a white ten-gallon hat, white gauntlets, and rode in a showy Stanhope carriage drawn by a tandem of white horses.

To the cow punchers, and others of the show, this savoured of too much "swank". They felt that he should have his quarters on the show grounds; that he should eat with the rest in the dining tent. They did not realize that Cody's "showing-off" was the best of publicity. Buffalo Bill was a showman first and a former scout and buffalo hunter second; and it must be admitted that he was one of the most striking and famous figures of the Old West. It is not at all surprising that, as was also the case with so many of the Old Timers of the frontiers, his life and his deeds should have been glamorized and exaggerated in fiction.

★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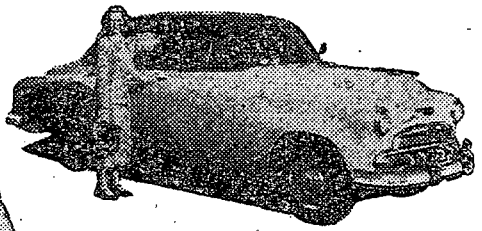

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INDIAN GAMBLERS

Fact Feature by Mat Rand

THE WESTERN miner and cowboy gambled because they enjoyed it. Of course a man wanted to win but he also understood he could lose all of his hard earned cash. And the man who ran an honest gambling establishment was considered in those days a worthy citizen. The redskin brother also enjoyed his gambling and sometimes made it part of a game. Rudolph Friederich Kurz, the famous artist, was present in a room when a group of Herantsa a version of "Guess Which Hand?" with a group of Assiniboin.

According to the custom, eight Herantsa and seven Assiniboin sat opposite one another on the floor of a large room. They encircled the stakes which consisted of bows, quivers, knives, calico, and other objects dear to their hearts. Instead of a coin they used a bullet.

Two Assiniboin were making motions in every direction with their closed fists, swiftly passing the bullet from one hand to the other. At the same time, members of their party were chanting, "e,e,e,e,ah," and keeping time by beating a tattoo with sticks on washbasins and boiler tops. In an excited state of eager expectation, both singers and players swayed their bodies continually from the hips. One of the Hersantsa who had laid the stake in opposition to the two Assiniboin had to guess in which of the two players' fists the bullet was to be found.

When he felt sure that he knew he made a quick thrust with his left arm in the direction of the fist in which he supposed the bullet to be. At the same time he struck voilently on his breast with his right hand, and with a cry designated the fist. If he failed to guess the right one, the winners whooped for joy and gathered in their stakes. Then they relayed, smoked reciprocally from the same pipe as a mark of continued friendship. Then other contestants began the same game over. Finally after an Assiniboin had won almost every stake the Herántsa had put up they stopped the game. They really enjoyed their gambling.

☆

STATEMENT REQUIRED BY THE ACT OF AUGUST 24, 1912, AS AMENDED BY THE ACTS OF MARCH 3, 1933, AND JULY 2, 1946 (Title 39, United States Code, Section 233) SHOWING THE OWNERSHIP, MANAGEMENT, AND CIRCULATION OF

Double Action Western, published bi-monthly at Holyoke, Mass. for October 1, 1952.

1. The names and addresses of the publisher, editor, managing editor, and business managers are: Publisher, Louis H. Silberkleit, 241 Church Street, New York 13, N. Y.; Editor, Robert W. Lowndes, 241 Church Street, New York 13, N. Y.; Managing editor, Robert W. Lowndes, 241 Church Street, New York 13, N. Y.; Business manager, Maurice Coyne, 241 Church Street, New York 13, N. Y.

2. The owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership, or other unincorporated firm, its name and address, as well as that of each individual member, must be given.) Columbia Publications, Inc., 241 Church Street, New York 13, N. Y.; Louis H. Silberkleit, 241 Church Street, New York 13, N. Y.; Maurice Coyne, 241 Church Street, New York 13, N. Y.; Harold Hammond, 241 Church Street, New York 13, N. Y.

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5. The average number of copies of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the 12 months preceding the date shown above was: (This information is required from daily, weekly, semiweekly, and triweekly newspapers only.)

LOUIS H. SILBERKLEIT
(Signature of Publisher)

Sworn to and subscribed before me this 1st day of October, 1952. Maurice Coyne (My commission expires March 30, 1954). (SEAL)

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